

REPORTS

FROM

THE COMMITTEE

on the LAWS relating to

PENITENTIARY HOUSES:

VIZ.

FIRST REPORT (31 May 1811.) page 1 to 122.

SECOND REPORT (10 June 1811.) page 123, &c.

[Communicated by the Commons to the Lords.]

Ordered to be printed 10th February 1812.

R E P O R T
FROM
THE COMMITTEE
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THE REPORT	" " " " " " " "	p. 3 to p. 33.
THE APPENDIX	" " " " " " " "	p. 34, &c.

R E P O R T.

THE COMMITTEE appointed to consider of the Expediency of erecting a PENITENTIARY HOUSE, or PENITENTIARY HOUSES, under the Acts of the thirty-fourth and nineteenth of His present Majesty; and, in case the adoption of the measure now referred to their consideration should appear to them to be for the advantage of the Public, to report whether any additional legislative provisions will be wanted for that purpose; and, what number of persons such Penitentiary House or Penitentiary Houses should, in their judgment, be calculated to receive, together with any Observations which they may deem material upon the subject of their Enquiry;—and who were instructed to enquire into the effects which have been produced by the punishment of Transportation to New South Wales, and of Imprisonment on board the Hulks;—and were empowered to report their Observations and Opinion thereupon from time to time to the House;—HAVE considered the matters to them referred, and agreed upon the following REPORT:

YOUR COMMITTEE having considered the Subject referred to them, and the Evidence which they have received thereupon, are of Opinion, That the system of Penitentiary Imprisonment, upon the general principles of the 19th Geo. III. cap. 74. is calculated to reform offenders, and ought to be pursued; but that it is not expedient to erect, for that purpose, a Penitentiary House, or Penitentiary Houses, for England and Wales, as proposed in the Act above mentioned (which is now expired, as far as it related to Penitentiary Houses) and in the 34th of His present Majesty; it appearing to Your Committee to be more advisable, that a separate Penitentiary House or Penitentiary Houses should be erected, in the first instance, for the Counties of London and Middlesex; and that measures should be taken for carrying on the Penitentiary system, as soon as may be practicable, in different parts of the country.

More than thirty years having elapsed since the passing the Act of the 19th Geo. III. cap. 74. by which the experiment of Penitentiary Houses received the sanction of the Legislature, Your Committee thought it necessary to enquire in the first instance, whether any proceedings had taken place under that statute, or under subsequent Acts of Parliament founded on the principles there laid down, from which information could be derived, either in respect to the efficacy of the Penitentiary system, or as to the most advantageous mode of carrying it into effect.

App. No. 1.
Pp. 22-65.

Your Committee find, that in the Penitentiary House erected at Gloucester, under a special Act passed for the regulation of the Gaols and Prisons within that county, in the year 1785, the confinement of convicted felons in separate cells, accompanied by employment and religious instruction, has been practised for a period of 20 years, (the House having been opened for the reception of offenders in 1791); and they have had the satisfaction of learning, from the testimony of Sir George Paul (whose meritorious exertions in correcting and improving the state of imprisonment in the County of Gloucester are well known, and who has constantly directed his attention to the operation of the Act mentioned above, since it first passed) that the effects of such confinement have been such as to confirm by experience the policy of the system, which the 19th Geo. III. was intended to introduce.

App. No. 1.
P. 34, 66.

The advantage of this system has been further shown to Your Committee by the evidence of the Rev. John Bocher, a very active and intelligent magistrate for the County of Nottingham, under whose inspection, employment accompanied by religious instruction, but with a less strict degree of seclusion than that pursued at Gloucester, has been introduced with very great success, into the House of Correction at Southwell; to which, as well as to the Gloucester Penitentiary House, Your Committee will have occasion more particularly to advert in the further progress of this Report.

Your Committee are satisfied, by these instances, that many offenders may be reclaimed by a system of Penitentiary imprisonment; by which Your Committee mean a system of imprisonment, not confined to the safe custody of the person, but extending to the reformation and improvement of the mind, and operating by seclusion, employment, and religious instruction.

The Secretary of State for the Home Department having, on the 17th of November last, addressed a letter to the Lord Lieutenants of the Counties in England and Wales, requesting to be informed, what steps had been taken under the clause of the 19th Geo. III. which directed the County Magistrates to provide fit places of confinement for the offenders therein mentioned, until the Penitentiary House or Houses for England and Wales should be erected; and whether, in the event of the erection of such Houses being delayed for some time longer, any House of Correction or other place within their respective counties, could, in their opinion and that of the magistrates of the county, be advantageously used for the purpose of a Penitentiary House, the answers to that letter were laid before Your Committee, from which answers it appears, that the principles laid down in the 19th Geo. III. respecting Penitentiary Houses, are now imperfectly pursued in the Gaols and Houses of Correction of several counties, under the authority of the general Acts which have been since passed, relative to the employment and treatment of criminal prisoners; that in many of the other counties there are gaols and places of confinement capable of being used as Penitentiary Houses; and that in some counties, gaols are now building, parts of which may without inconvenience be appropriated to that purpose.

It further appears to Your Committee, from the observations contained in the letters alluded to, and from the Witnesses which they have examined, that strong objections exist to the erection of the proposed Penitentiary Houses for England and Wales, founded partly on the great expense of removing persons sentenced to temporary confinement from one extremity of the Kingdom to the other, and partly upon the various inconveniences which would arise from discharging in the neighbourhood of the Metropolis, at the end of their imprisonment, offenders received from distant parts of the country; but above all, on the inadequacy of the measure to afford

any material advantage to the country at large, or to supersede the necessity of local places of confinement. Upon the last ground of objection, all the Committee, whose sentiments have come to the knowledge of Your Committee, are to think that very little benefit could be conferred upon their respective countries by the reception into Penitentiary Houses of the small number of convicts allowed by the 19th Geo. III. to be sent thither from each circuit; which number cannot be materially increased, without extending the proposed establishment to a magnitude, that would far exceed the limits hitherto in the contemplation of the Legislature, and would, in the judgment of Your Committee, be highly inconvenient and objectionable.

The whole number to be provided for in the Penitentiary House, under the 19th Geo. III. was fixed at 600 males and 300 females. And the numbers which might be sent from the different courts and circuits, under the 25th clause of the Act, were as follows: from each of the four Welsh Circuits, two; from any one Session of Oyer and Terminer and Gaol Delivery to be holden for the City of London, four; from any such Session for the County of Middlesex, none; from each Northern Circuit, eight; from each of the Midland and Norfolk Circuits, ten; from each of the Oxford and Western Circuits, twelve; and from each Home Circuit, fifteen. No direction was given in respect to the proportion of males and females to be sent from the different circuits and courts, under this clause; and the 34th Geo. III. does not contain any provision upon these points.

The Counties of London and Middlesex in particular have been brought to the notice of Your Committee, as requiring for their use a distinct Establishment, capable of containing as many Female Convicts as were to be received into the Penitentiary House for England and Wales, under the 19th Geo. III. and as many Males as may consistently with prudence and convenience be placed together.

The prisoners confined in the Gaol of Newgate are of course of very different descriptions, consisting of persons committed to take their trial for various offences,—from the charge of a misdemeanor, to that of the most atrocious crime which can be perpetrated—of convicts sentenced to imprisonment for different terms, in proportion to the guilt of the several offences (felonies or misdemeanors) proved against them—of felons transportable (either under their original sentence, or as having been pardoned upon that condition) who must remain in the County Gaol until they can be otherwise disposed of by Government—and lastly, of convicts under sentence of death. Some judgment may be formed of the proportion which these different classes bear to each other, from Mr. Newman's evidence in the Appendix to this Report, showing the number in each class on the 25th March 1811. The persons committed for trial become very numerous a short time previous to the Sessions, many being transferred to Newgate from other prisons at that time. The numbers at the commencement of each Sessions, during the last year, will appear from Mr. Newman's evidence.

Appx. No. 14
p. 60.

Most of the transportable male convicts are removed to the Hulks within a few months after their conviction; but instances occur, in which, being unfit for transportation on account of age or infirmity, they remain in the gaol during the whole of the term for which they were sentenced to be transported; and the women must continue there in all cases until they can be sent abroad, there being no other place of confinement to which they can be removed previous to their being ordered for transportation.

Appx. No. 1.
D. 6a.

transportation. The number of transportable convicts in Newgate immediately previous to each Session for the year 1810, at which times the number are of course the lowest, will be seen by Mr. Newman's evidence.

The persons in confinement, with the exception of such as are condemned to death, and have not been respited, who are kept by themselves, and of 30 or 40 individuals (chiefly committed for misdemeanors) who occupy what is called the State side of the gaol, are all distributed into four divisions of the prison or yards, each communicating with several wards or rooms in which the prisoners are locked up at night, passing the day either in the wards or in the yard, at their pleasure. Of these yards or divisions, three are allotted to the males, and one to the females. Two of the yards appropriated to the males are called the Felons Side, and the other is styled the Master's Side. The indulgence of being confined on the Master's Side, can only be procured by paying an entrance fee of 12s. 6d. and a weekly sum of 2s. 6d. to the Keeper; but prisoners of all descriptions, except those under sentence of death, and not respited, may purchase the privilege of admission upon these terms. It is made a condition of their continuance there, that they should behave well; and in case of misbehaviour, the Keeper removes them to the Felons' Side. The benefit derived to the prisoner from this privilege, only consists in the use of a bed, which is found for him by the Keeper, and in the advantage of being separated from the society of his more indigent fellow prisoners, and placed among persons of sufficient ability to make the payments which have been mentioned; for he is not entitled to be treated in a different manner from those on the Felons' Side. The advantage of this separation is less perfectly enjoyed by the females confined on the Master's Side; as in the part of the gaol allotted to the women, the Master's Side and Felons' Side have a common staircase, and communicate with the same yard, consisting of two small slips of ground, to which all the females resort for air and exercise indiscriminately.

In the distribution of the prisoners into the four yards or divisions of the prison above described, no distinction is made with reference to the causes or nature of their respective commitments; nor does it appear, that under the present circumstances of the gaol, any plan of separation founded upon such distinctions could conveniently be carried into effect.

The practice of allowing prisoners to communicate freely with their friends, which must of necessity prevail to a considerable degree in the case of those who are committed for trial, is in this prison extended alike to offenders of every description. The friends of the male prisoners are admitted into their yards for this purpose; those of the females communicate with them in general through a railing at one end of the yard. The frequency of this intercourse between the persons confined and those who visit them, is much increased, by their being in the constant habit of receiving, through their friends, supplies of provisions and other necessaries, without which the prison allowances would scarcely be sufficient for their support. But the free admission of visitors into the part of the gaol appropriated to the confinement of the males, is stated to make the use of fetters necessary; lest, for want of this distinction, the prisoners should make their escape, by passing out unobserved among the persons who have been admitted to see them. The same circumstance adds also materially to the difficulty of preventing the introduction of spirituous liquors into the prison. Great pains are taken to enforce the prohibition contained in the 24 Geo. II. cap. 40. upon that head; the clauses of the

Act,

are daily seen, so that felons, are hung up in a conspicuous part of the wall, and persons detected in attempting to convey spirits to the prisoners, in violation of the law, are always taken before a magistrate to be duly punished: it appears nevertheless that such attempts are often made, and that, notwithstanding all the vigilance which can be employed in counteracting them, they are not unfrequently successful. The use of porter in the prison is freely permitted.

It is obvious that the reformation of Offenders is not to be looked for in a place of confinement conducted upon the plan here described; on the contrary, the contagion of vice must be expected to render still more vicious a very large majority of those, who come within the prison walls. Mr. Newman, the keeper of the goal, whom Your Committee believe to be conscientiously attentive to the duties of his office, declares himself unable to prevent the prisoners from swearing or gaming. He further states, that they have often been seen drunk; and that it has not unfrequently happened, that a person going to visit a prisoner, has had his pocket picked before he left the prison.

Under these circumstances, there can be but little to observe on the performance of work by the prisoners. The keeper states himself to have endeavoured to introduce a manufacture without success, though instances occasionally occur, in which prisoners earn by working by employing themselves at their former trades. No line Service is regularly performed on Sunday at the chapel; but the Building is so large, as to be so accommodated all the prisoners, and their attendance there depends entirely upon their own pleasure.

Your Committee are strongly impressed with the mischief which must result from thus placing together offenders, who differ widely from each other in various other circumstances, as well as in the nature of their several offences; and from confounding all distinction between persons convicted, and those who are only committed for trial.—It is highly undesirable, in the judgment of Your Committee, to expose young persons of 12 or 13 years of age to the instructions of those, who can initiate them in all the mysteries of fraud and villainy; or to confine the offender, who has been betrayed in an unguarded moment into the commission of a first crime, and who would perhaps gladly make his peace with himself, and retrieve, if it were in his power, the loss of his character and friends, among those, whose minds have been hardened by a long course of guilt against shame and remorse; and in whose company such feelings will be repressed in others by ridicule and contempt. But Your Committee deem it still more objectionable, to introduce into the society of the vilest criminals, persons whose guilt or innocence is yet to be ascertained; who, if they shall hereafter appear upon their trials to have been undeservedly suspected, must nevertheless return into the world degraded in their own estimation as well as that of others, if not really contaminated, by the companions with whom they have been compelled to associate. The hardship of this promiscuous association is particularly striking in the case of the female prisoners, by many of whom confinement among the most abandoned of their sex must be felt more severely, both during its continuance and in its consequences, than the most rigorous punishment which the law could inflict.

The evils here complained of, do not entirely arise from the goal of Newgate being too much crowded, but are in part owing to the defective construction of the prison, which is very ill calculated for the separation of prisoners into classes. If, however, the transportable convicts, and the few felons sentenced to imprisonment in this goal, could be sent elsewhere immediately on conviction, their absence would very much facilitate the adoption

adoption of such arrangements and regulations as would be of material advantage to the other prisoners. With a view to this advantage, as well as in consideration of the good effects to be produced within the walls of the Penitentiary House itself, Your Committee recommend the erection of such an establishment for London and Middlesex without delay. The average numbers of Offenders who have annually become transportable within these counties, during a period of five years ending with 1809, appear, by a Return laid before Your Committee from the Secretary of State's Office, to be as follows:

		Men.	Women.
Transportable for 7 years	- -	158	61
for 14 years	- -	6	3
for life	- -	29	6

Of the felons who receive sentence of imprisonment within the same counties, the larger proportion, viz. those sentenced in Middlesex, are already provided for, being transferable, as soon as their sentence is passed, to the House of Correction for that county, in Cold Bath Fields; but such of them as are condemned to that punishment in London, are imprisoned in Newgate, there being no House of Correction in London to which they can be sent. As, however, the custody and maintenance of convicts of this description are properly a charge upon the county in which their offences are committed, and not upon the public at large, it may reasonably be expected that, if the transportable convicts shall be taken out of Newgate, the Corporation of London will make proper arrangements for separating the felons in their custody under sentence of imprisonment, from other prisoners, and for providing them with work. It is understood that the City have for some time had it in contemplation to build a House of Correction, in which offenders of this description would be confined.

Under these circumstances, Your Committee are of opinion, that the Penitentiary House now proposed, should be erected on such a scale as to be capable of receiving all the females who shall become liable to transportation for seven years within the Counties of London and Middlesex, and of affording a temporary accommodation to such as shall be transportable for 14 years or term of life, until opportunities shall occur of sending them abroad. The numbers for which the House should be calculated with a view to these objects may be estimated at 300 at least. Your Committee think it desirable, that the Penitentiary House for male offenders, whether in the same or in a separate building, should be made large enough in the first instance for the reception of a great proportion of those transportable for seven years; regard being had to any supposed danger that might arise to the Metropolis from the numbers placed together, to the expense of the establishment, and to such future enlargement of the Building as may be found expedient in the course of the further enquiries of the Committee.

In considering the arrangements connected with this measure, and the plan upon which the management of such Penitentiary House or Houses should be placed, Your Committee proceeded to enquire how far the provisions of the Acts referred to them, relative to the Penitentiary House or Houses therein proposed for England and Wales, and the proceedings under those Acts, could be made applicable to the present purpose.

It appears that the Acts alluded to, were framed on very different views in regard to the manner in which the system of a Penitentiary House should be conducted; and although the 34th Geo. III. cap. 84. did not in its terms purport to be a repeal of the 19th of the King (the whole of which had been continued by the 34th Geo. III. cap. 60. to the year 1799, when

when that part of it which relates to the Penitentiary Houses was further continued by a separate Act to 1802, and then suffered to expire) the two Statutes were totally inconsistent with each other.

The 19th Geo. III. cap. 74, after enabling His Majesty to appoint three Supervisors, for the purpose of procuring ground and making contracts for building two Penitentiary Houses, with the approbation of certain persons mentioned in the Act, vested the superintendence of the Houses, when built, in a Committee of three gentlemen, or other creditable and substantial persons to be nominated by the King in Council, who were to visit the establishment in person, and to receive an allowance for each day's attendance in the duties of their office. The Committee were to make regulations (to be allowed and confirmed as in the Act is directed) for the management of the Houses and of the Offenders to be confined therein; and they were to elect a Governor, Matron, Chaplain, Surgeon, or Apothecary, and such other officers as they (with the like allowance and approbation) should deem necessary, the officers when elected being also removable by their order. The contracts, which the Governor was empowered to make, for the clothing, diet, and all other necessities, for the maintenance and support of the offenders confined in the House, or for implements or materials of any kind of manufacture, were to be previously approved of by this Committee; and the Accounts of the Governor and Storekeeper were to be submitted to their examination, and verified before them upon oath, if required. It was also provided, that any Justice of the Peace for the county where the House was situate, might visit and inspect every part of it, at all reasonable times, in order to make a report to the Quarter Sessions of any abuse or mismanagement, or to give notice thereof to the Inspector to be appointed for the vessels and ships employed for the confinement of offenders under this Act, whose office extended also to the inspection of these Penitentiary Houses; but no other persons, except the officers and servants of the House, were to go at any time into the prisoners' lodging rooms, or to see and converse with the prisoners, unless authorized so to do by order of two of the Committee.—The Act contained various provisions in respect to the treatment and employment of the offenders confined; among which are the following:—It directed, that offenders, of sufficient health and ability, should be kept to labour of the hardest and most servile description, some kinds of which were enumerated, and it laid down rules as to the number of hours during which they should be so employed in different parts of the year. It enacted, that they should be lodged in separate rooms or cells, of the size described in the Act, during their hours of rest; and that they should also be kept apart from each other, during their hours of labour, in cases where the nature of their several employments would permit; but if the work in which they should be employed, should be such as to require the labour of two or more at the same time, some officer or servant belonging to the House was always to be present, to observe their behaviour; and such two or more persons were not to be suffered to continue together, except during the hours of labour and divine service, and the times respectively allotted for their meals and airings.

The Act also contained some directions respecting the food and clothing of the offenders, which were to be ordered in conformity thereto, in such manner as the Committee should appoint; and a penalty was imposed on persons wilfully supplying them with any food, drink, or clothing, other than such as should be so appointed, or with any money.

The offenders were to be divided into three classes, formed by a division of the time for which each offender was sentenced to be confined, into
 (44) C: three

three equal portions; during the first of which he was to be in the first class; he was to advance successively into the second and third classes; and his confinement was to be made less strict, and his labour less severe, in each successive class, according to regulations to be framed by the Committee under the Act. On the final discharge of the offender, he was, under the Committee's direction, to be decently clothed, and to receive for his immediate subsistence, a sum of money, not exceeding three pounds, nor less than twenty shillings, if he had been for the space of one year in the House; and so in proportion for any shorter time of confinement; and if he could then procure any respectable person to employ him, with the Committee's approbation, for one year, he was to be entitled, at the end of the year, to a further sum of money, equal to that which had been allowed to him on his dismissal from the House.

It was moreover provided in this Act, that if the Committee should observe or be informed of any extraordinary diligence or merit in any of the offenders under their inspection, they should report the same to the Judges at the Assizes, who might thereupon shorten the confinement of such offender, in case he should be committed for a term of months or years, either on condition of his serving in the sea or land forces, if a male, or without any condition, at their discretion; and if the offender should be committed for life, under a conditional pardon, might report him to His Majesty, as an object of Royal mercy.

The provisions of the Act above stated, comprehended female offenders as well as males.

The 34th Geo. III. cap. 84. reciting that certain lands at Battersea Rise (which are described in the recital, and stated to contain 79 acres and one rood) had been fixed upon by the Supervisors appointed in pursuance of the former Act, and after being duly approved of under the provisions of that Act, had been valued by the verdict of a jury at £. 6,600, but that Penitentiary Houses had not been erected, directs the Lords Commissioners of the Treasury to fix upon that spot of ground, or any other equally convenient, and to contract for the erection of a Penitentiary House or Penitentiary Houses thereupon. They were to appoint a feoffee or feoffees to treat for the ground, and accept a conveyance of it; and the usual powers were given to compel a sale by the owners of the spot selected.

The provisions of the former Act, respecting the appointment of a Committee for the superintendence of the Establishment, as well as those enactments which related to the treatment of the offenders to be confined therein, were virtually superseded, by the third clause of this Statute enabling His Majesty to nominate a Governor or Governors of such Penitentiary House or Houses when erected, and giving to such Governor or Governors the care, management, superintendence, and control of the same, under such powers, directions, limitations, and restrictions, as are contained in the 24th Geo. III. cap. 56, or as should be appointed by His Majesty under the powers of that Act; which is an Act empowering His Majesty to commit to the care of persons to be named Overseers, offenders either under sentence of death and reprieved, or under sentence of transportation, to be fed, clothed, and kept to hard labour, in such places and under such directions as his Majesty shall appoint.

The 34th Geo. III. appears to have been brought into Parliament with a view to an arrangement which had been for some time in contemplation, founded on an offer made by Jeremy Bentham, Esq. a gentleman of great respectability, to contract with the Lords Commissioners of the Treasury for the erection of a Penitentiary House, and the care and custody of the

persons to be confined therein, upon a plan described in a paper entitled, "A Proposal for a new and less expensive Mode of employing and re-forming Convicts," a Copy of which is contained in the Appendix to this Report; and about a month before the Act received the Royal Assent, a sum of £.2,000 was actually advanced to Mr. Bentham, from the Treasury, by way of imprest, to enable him to make such preparations as might be necessary for the custody and care of the Convicts proposed to be confined in the Penitentiary Houses intended to be erected. It appears that Articles of Agreement were accordingly drawn up between the Lords Commissioners of the Treasury and Mr. Bentham; and the various sums of money to be received or paid by the Contractor, in the several cases that might occur under the contract, were settled and inserted in the draft, a blank being only left for the description of the ground; in the selection or purchase of which, the difficulties which have prevented the completion of the arrangement appear to have arisen.

App. No. 3.
P. 92. &c.

App. No. 4.
P. 100.

It does not appear for what reason the site of the intended erection was changed from Battersea Rise, but the ground which had been chosen there, and valued under the former Act, was abandoned, before any contract for the conveyance of it had been completed, for a spot in Tothall Fields, where 53 acres of land were purchased for £.12,000, and a conveyance of them taken on the 12th day of October 1799 from the vendor to Mr. Bentham, as feoffee under the provisions of the 34th Geo. III.

Mr. Bentham, who is still in possession of this land, considers himself as entitled to have attached to the Penitentiary House under his contract, such additional quantity of ground as shall make the whole of what is allotted to him, amount to 79 acres, that being the number which he found appropriated to the intended Establishment, by the recital in the Act of Parliament; and he states upon that head, that the portion of such ground, which may exceed the quantity absolutely necessary for the erection of a Penitentiary House, formed a part of the consideration for which he consented to the terms of the original agreement, and that he intended to use the whole for the purposes of the Establishment, by employing such of the convicts as were fit for it in agriculture and gardening.

Mr. Bentham having appeared to Your Committee to be still desirous that the Contract, to which, though not actually signed, he conceives the public faith to be fully pledged, should be carried into effect, with such variation in the sum of money to be paid by Government for the maintenance of each convict as should be deemed equitable, in consideration of the advance of price which has taken place in all articles of consumption since the agreement was framed, and with the exception of such part of the agreement as relates to the erection of the buildings for the Penitentiary House, which he does not now find himself able to undertake, Your Committee found it necessary to enter into the consideration of the principles of the contract alluded to, in order to form a judgment on the expediency of its adoption for the management of the Penitentiary Establishment recommended in this Report.

Mr. Bentham's offer, the terms of which appear, in a pecuniary point of view, to be advantageous to the Public, was founded, according to the statement contained in his original proposal, upon his having "contrived" a Building in which any number of persons might be kept within the reach of being inspected, during every moment of their lives."

The Plan upon which it was his intention to erect this Building, may be seen in a Paper annexed to the Proposal, and entitled "Outline of the Plan of construction alluded to in the above Proposal;" and Models of a Penitentiary

App. No. 2.
P. 99.

Penitentiary House, as therein described, were exhibited to many persons in Mr. Bentham's own house, before his Proposals were accepted; but no Plan or Form of Building is referred to in the Articles of Agreement, and Mr. Bentham states himself to be at liberty under it, to place what number of convicts or prisoners he may think fit, in the same cell, and to make them sleep and work in the same apartments; which statement appears to Your Committee to be correct, there being no restriction or direction relative to those points to be found in the Articles.

By the agreement, Mr. Bentham is to build, within one year after he shall get possession of the ground mentioned therein, fit accommodation for 1,000 male convicts or prisoners, certain sums of money being to be paid to him for that purpose by instalments; and he is afterwards to make provision for the reception of supernumeraries, if required, upon certain terms.

The contract being to continue during the lives of Mr. Bentham and his brother, General Samuel Bentham, the Building, and the stock and effects used therewith, are to be valued on the decease of the survivor of them, and a deduction being made of the sum of money originally advanced by Government, the remainder of the estimated value is to be paid to the representatives of such survivor.

The management of the prisoners is to be vested in Mr. Bentham, (or in any fit person or persons to be named by him from time to time, during his life, to exercise the authority and receive the benefits derivable under the contract) with the appointment of Governor, and with such powers as His Majesty is enabled to grant under the 24th Geo. III. the Act to which the 34th of the King refers upon that head, as has been already stated; and in the event of Mr. Bentham dying in the lifetime of his brother, General Samuel Bentham, "the same office and powers are to be exercised, and the benefit thereof enjoyed by the said Samuel Bentham, or some person or persons to be named by him, during his natural life."

The Contractor is to receive a certain allowance for the care and maintenance of each prisoner, and is to be annually paid for 1,000 at least, though the persons committed to his charge should not amount to that number. He is also to retain for himself three fourths of the profit upon their labour; the remainder being appropriated to their own use, payable in part to them immediately, and in part convertible, on the expiration of the respective terms of imprisonment, into annuities for their future benefit.

The Contractor undertakes, on his side, to feed and clothe the prisoners, supplying them daily with wholesome sustenance, composed of bread and meat, and other articles commonly used for human food, and with one suit of clothes yearly, as well as with a clean shirt twice a week.

He is also to furnish to each a separate bed and bedding, of sufficient warmth, with clean sheets or blankets once a month; and he engages, that "all possible attention shall be paid to the cleanliness of the prisoners in every respect, as far as circumstances will permit; that the Penitentiary House and buildings belonging thereto shall be sufficiently warmed and lighted; and that every proper precaution shall be taken to prevent the same from becoming infectious or unwholesome, to preserve the prisoners in good health."

He further engages to provide, at his own expense, a Clergyman of the church of England to live on the spot; a Surgeon; and a sufficient number of competent Schoolmasters, by whom instruction shall be administered on every

every Sunday at least, in reading, writing, and arithmetic, to such of the prisoners as shall stand in need of it.

Subject to these stipulations, every arrangement, in regard to the treatment of the prisoners, as well as the determination of the manner in which they should be employed, of the hours of the day or night in which they should labour, and of the classes or numbers which should either work together, or associate at their meals or times of exercise or recreation, is entirely left at the discretion or will of the Contractor; while every officer and servant connected with the Establishment, is to be placed there by his appointment, and removable at his pleasure.

The system of management here described, appears to Your Committee to have been framed with reference rather to the personal character of the Party, in whose custody the prisoners were on the first instance to be placed, and to the favourable opinion entertained of the construction of the Building proposed by him, than to the principles upon which Prisons have hitherto been conducted in this Country. Your Committee are satisfied, that Mr. Bentham would enter upon the undertaking, to which his contract relates, with the best intentions; but the prosecution of that measure, together with the benefits derivable under the contract, might, by the terms of the agreement, pass at any time into other hands; and even if that were not the case, the arrangement above stated is too exceptionable on general grounds, in the judgment of Your Committee, to be adopted from confidence in an individual.

Under the 22d Geo. III. c. 64. s. 8. which prohibits the Governor or Keeper of a House of Correction from having any advantage from the sale of any article used in the House, there is a security for the goodness of the provisions and necessaries sent in on account of the public for the use of the prisoners, arising from the circumstance of their passing under the eye of the Governor and his servants, who have no interest in concealing their defects; while the Governor is not exposed to any temptation to sanction the introduction of any improper degree of luxury into the prison, with a view to his own profit, or of demanding an undue price for such articles as may properly be admitted there.

Mr. Bentham's contract contains no provision upon these points. If, however, this objection could be removed by additional articles in the Agreement, by the establishment of a fixed table of diet, and by the appointment of resident inspectors, the Public could have no reasonable assurance that sufficient attention would be paid to the religious instruction and moral improvement of the prisoners, under a system of management, every part of which is to be formed and directed by a person, whose interest it must be that the prisoners committed to his charge should do as much work as they were competent to execute, and that their labour should be exercised in the manner by which most profit would be produced. If the Chaplain should suggest, that individuals, very profitably employed in the same workshop, were unfit, from their characters or other circumstances, to associate with each other, or that any practice in the prison, which might be convenient in a manufactory, operated to retard rather than to accelerate the progress of moral improvement, it cannot be supposed that such intimations would be heard with as ready an acquiescence, and would meet with the same encouragement, when addressed to a Governor, whose profits they were calculated to diminish, as if they were communicated to persons having no interest in the produce of the prisoners labour.

Your Committee see much reason to apprehend, that under a system, in
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which pecuniary advantage is thus made the most prominent object of attention, the experiment of reformation would not be fairly tried.

An Answer has been supposed to be furnished to this objection, by an article in the Agreement, binding the Contractor to make compensation for losses occasioned by the future felonies of every person who may have been confined in the Penitentiary House, to an amount varying from £5. to £25. (for the felonies of the same individual) according to the length of the period during which the offender shall have been under his care; which provision is argued upon as giving a sufficient interest to the Governor in the reformation of every prisoner. Your Committee, however, attach very little importance to this article; and it is the more nugatory, as, although its operation must continue during the lives of all those who shall come under the care of the Contractor, no funds whatever are provided in the contract, or are now proposed, to answer the contingent payments to become due after the Contractor's death.

Reliance has also been placed on a provision of the same kind, operating in the nature of a pecuniary penalty, for the preservation of the health of the prisoners; it being agreed in the 17th article of the Contract, that the Contractor should ensure the lives of the persons confined, on such terms, that if more than a certain number shall die within the year, he would be a loser instead of a gainer by the insurance: Your Committee observe, that in their opinion the health of the prisoners will be more effectually guarded by the exercise of the judgment of a professional man, not dependent upon the Governor, and acting under the direction of other disinterested persons, than by the payment of any sum of money to fall on the Governor in the case of the prisoner's actually dying within the walls of the prisons during his confinement.

It appears to the Committee, that the proposed system affords no sufficient protection to the prisoner, upon any point.

In a place of confinement, in which the prisoners are compelled to work, and expected to be reformed, something of a more strict discipline may be looked for than in ordinary prisons. It is therefore more particularly requisite, that in a Penitentiary House opportunities of complaint should be frequent, and redress near at hand.

The most obvious channel of complaint, if the Governor be concerned in the supposed injury, is the Chaplain, within whose province it lies, as on the one hand to endeavour to reconcile the mind of the offender to the lot which he has brought upon himself by his misconduct; so on the other, to prevent its severity from being aggravated by any hardships or privations which the Law did not intend to impose.

The Surgeon is another person, through whom the prisoner may properly complain. But to make these officers of real use in this particular, they must occasionally confer with the prisoner without the presence of the Governor or his servants; they must neither be under strong obligations to the Governor or subject to his power, and they must be in habits of communicating with persons armed with sufficient authority to punish or redress the grievances laid before them.

The Committee to be appointed under the 19th Geo. III. had full powers at all times for this purpose, and they or any two of them were to examine into the state of the Penitentiary House, at least once in every fortnight, and to "see every offender confined there and not disabled by sickness."

In the contract, no provision whatever is made for personal inspection; but the Governor is to present a comprehensive Report in writing, of the whole

whole state of the Establishment, to the Court of King's Bench on the first day of every term. And he is to answer, upon Oath if required, all questions put to him by the Judges of that Court, or by any one Judge thereof in vacation time, or by any Officer of the Crown, or by any other person with the leave of the said Court, or of any One Judge thereof. And he is further to surrender his office of Governor, if ordered by the said Court, "on proof duly obtained as above, or otherwise, of misbehaviour" in the execution of the said office."

The insufficiency of this article (the only one in the Agreement that concerns the superintendence of the Establishment) to provide for the redress of grievances, or the correction of any improper practice which may prevail there, is so evident that it cannot be necessary for Your Committee to enlarge upon this point.

It is obvious that circumstances must frequently occur in a prison, which call for the interposition of higher authorities to censure or controul the Keeper, without constituting such instances of misbehaviour, as would justify the avoidance of a beneficial contract. To occasions in which an erroneous or indiscreet mode of treating the prisoners should be pursued, from want of judgment in the Contractor, or from any cause not falling under the description of "misbehaviour," the proposed remedy by the authority of the King's Bench appears to be totally inapplicable; and in the cases in which it does apply, it could only be attained in Term time, while the Court, which is to make the order, is sitting.

Mr. Bentham supposes, as may be seen in his evidence, that sufficient inspection, and opportunities enough of making complaints on the part of the prisoners, might be afforded, by the admission of the public at all reasonable times into the Inspection Room in the middle of the Building, from whence all the cells would be visible, and which would be accessible to the voice of every prisoner by means of tubes, to be constructed for that purpose; and he seems to lay some stress on the vigilance which the Newspapers are to exert in watching his conduct. But Your Committee, agreeing with Mr. Bentham in the belief that curiosity would bring many persons to view a Penitentiary House of so novel a construction, do not concur in the supposition, that any intercourse of the description alluded to between such visitors and the prisoners, can supersede the necessity of having persons nominated expressly for the inspection and superintendence of every part of an establishment of that nature, in whom the powers of obtaining information, in regard to any mismanagement, shall be accompanied by sufficient authority for its correction.

While Your Committee state their opinion, of the inexpediency of carrying into execution a contract of the description above stated, they feel themselves called upon to bring under the notice of the House, the strong equitable claims which Mr. Bentham possesses to compensation, in consequence of the contract not having taken effect. Your Committee have not gone into a detailed examination of the various circumstances connected with that subject, as an inquiry of that nature might have occasioned an inconvenient delay in their reporting upon the more important matters referred to them; but Mr. Bentham has stated, that he was encouraged by His Majesty's Government to take measures preparatory to the erection of the intended Establishment; that he has employed much time, and has expended a large sum of money in addition to the £.2,000 advanced to him in 1794, as mentioned above, in preparations for the execution of his part of the agreement; and that its non-performance was not owing to any default or backwardness on his side. He has, therefore,
under

under these circumstances, a just right to expect, not only that the money so laid out should be repaid, but that a liberal remuneration should be made to him for his trouble and ultimate disappointment (he on his part accounting for any advantage that shall have accrued to him from the lands, of which he has been fitted to be in possession as *seoffee*). And Your Committee recommend, that measures should be taken for the settlement of these claims without delay.

The 19th Geo. III. appears to Your Committee to have been framed on a more correct view of the arrangements connected with a Penitentiary House, than is to be found in the Articles of Agreement above described; although this Statute may, perhaps justly, be considered as going too much into detail, and as making some points matter of positive enactment, which might with more convenience have been left to the discretion of those persons by whom the rules and orders for the regulation of the establishment were to be formed, and in whose power it would be to alter them, if practice and experience should shew the propriety of alteration.

On the basis of this Statute was founded that part of the Gloucestershire Act (the 25th Geo. III. c. 10.) which concerns the Penitentiary House at Gloucester; to the Rules and Orders of which, as well as to those of the House of Correction at Southwell (inserted at length in the Appendix to this Report) Your Committee beg leave to call the particular attention of

Appendix
No. 3, p. 89.
and
No. 5, p. 106.

The control over the management of the Gloucester Penitentiary House is vested by the Act in the Justices of the Peace for the county assembled at the Quarter Sessions, who are to appoint such officers (removable at their pleasure), and to annex such salaries to the respective offices as they may think fit; and are also authorized and required at such Sessions, seven of them being present, to make rules and orders for the regulation of all matters connected with the treatment of the prisoners. But in making such rules, they are directed to have regard to the discipline, provisions, and directions of the 19th Geo. III. concerning the two National Penitentiary Houses there mentioned, as nearly as shall appear to be consistent with the more limited design of the Penitentiary House for the county of Gloucester. And the rules and orders so made are not to have any force until they shall have been submitted to the Justices of Assize, and until such Justices shall have subscribed a declaration, that they do not see any thing in them contrary to law.

Two or more Justices of the Peace are to be appointed at the Michaelmas Quarter Sessions, as Visitors of the prison, who are to examine into its state and condition, either together or singly, at least three times in every quarter, and oftener if need be, and to make Reports at every Quarter Sessions thereupon. But every other Justice for the county may visit of his own accord, and report abuses to the Quarter Sessions.

The 12th clause of the 31st Geo. III. c. 46. containing a provision of a similar nature to that introduced into the 19th Geo. III. for shortening the confinement of offenders on the discovery of any merit or extraordinary diligence, extends to this prison, in common with other gaols in which convicts are set to work,

In the Gloucester Penitentiary House, each prisoner has a separate cell or room to sleep in at night, and another, in which he is to be employed in the day-time.

The prisoners do not however pass the 24 hours in solitude; they begin the day by attending chapel, after washing themselves at cisterns in the yards,

yards; from chapel they return into the yards; and from thence, having each received his loaf of bread, repair to their several working cells. Their breakfasts are delivered to them there, by two of their fellow prisoners, accompanied by an officer of the prison. After breakfast, two of them are taken from their cells, to tread in a wheel, used for raising water to the top of the building; they continue at this employment for about twenty minutes, and are then directed to walk about for twenty minutes more, two other prisoners succeeding to their places at the wheel, and being themselves relieved in turn by others. They receive their dinners in their cells, and continue there until they leave off work in the evening, when they all walk in the yards for half an hour previous to their retiring to their night cells. They do not wear fetters, the use of irons in this prison being laid aside as wholly unnecessary.

While the prisoner is in his work cell, he is occasionally attended by the Taskmaster or other person appointed to instruct him, and visited by some of the superior officers of the prison. The Governor himself is bound to see every person committed to his care once in 24 hours, and to examine once in every day the state of all the wards and cells which the prisoners occupy. It is made part of the Chaplain's duty frequently to see and confer with the prisoners, without the Governor or other officer being present, to enquire into their situation, and to observe the state of their cells. The Surgeon is directed, besides visiting the sick, to see every person confined twice a week, and to inquire into the mental and bodily health of every such person. In case he shall have reason to believe that either the mind or body of any prisoner is materially affected by the discipline or diet of the House, he is to inform the Governor thereof, who is to alter the discipline, or vary the diet of such prisoner, until the next meeting of the visiting Justices. If, however, the state of the prisoner's health requires a deviation from the ordinary prison diet, he is removed to the hospital ward. No instance has hitherto occurred, in which the degree of solitude imposed within the prison has been attended with any unfavourable effect on the mind.

The Governor is enjoined to keep a regular journal of the daily events in the prison, and to register all punishments inflicted. The Chaplain also, and Surgeon, are directed to keep journals, in which are to be entered, not only facts, but such observations as may occur to them in the exercise of their respective duties.

When the Penitentiary House was first established, the prisoners were divided into classes, in conformity to the clause of the 10th Geo. III. which directs that the solitude and labour shall be successively mitigated in the second and third classes. The practice, however, of thus classing the prisoners, has been discontinued on the advice of the Chaplain, who was of opinion, that "on their admission into the second and third classes, "in which they were allowed to work in companies, the impressions "made on their minds during their former term of seclusion, were immediately obliterated, by idle conversation naturally taking place between "such associates;" and the course of proceeding which has been stated, appears to be now uniformly pursued during the whole of the offenders' confinement, except as to those who may be selected for the performance of particular duties or offices within the prison. The prisoners do not become entitled to any portion of their earnings, nor does their daily fare depend in any degree on the quantity of work which they may respectively perform; they live by a fixed dietary, from which beer and all fermented liquors are excluded: but if in any case more bread than is there set

down is required by the prisoners, it is freely given. They are not permitted to receive any food, drink, or clothing, except what has been appointed for them by the Justices; nor are either the friends of the prisoner, or strangers, permitted to see him, unless authorized by a special order in writing of the Justice who shall have signed the original commitment of the offender to gaol. Due attention is paid to the religious instruction of the prisoners, who are also taught to read and write by a fellow prisoner selected by the Chaplain; the rule, which enjoins the separation of prisoners from each other in the cells, being relaxed for this purpose.

When a prisoner is discharged, if he has conducted himself properly during his confinement, he receives a certificate of his good behaviour from the Chaplain and Governor, or from the Chaplain and one of the visiting Justices; and in the event of his procuring a respectable service for a year, and behaving well therein, he is allowed a reward by the Justices at Sessions, upon the principle of the provision to that effect in the 19th Geo. III.

The House of Correction at Southwell is established under the several Acts relative to such places of confinement, by which the Justices of the Peace at the County Sessions are empowered to make rules for the regulation of prisons of that description (such rules not being contrary to those laid down in the 22d Geo. III. c. 64.) to appoint and remove the Governor and other officers, and to fix the amount of their respective salaries. They are also to nominate two or more Justices at each Quarter Sessions to act as visitors, who report quarterly on the state of the House, and on the conduct of the officers, as well as of the prisoners, mentioning in detail instances of merit or misbehaviour: they are also empowered, in case of emergency, to make occasional arrangements in the prison, subject to the approbation of the Court of Quarter Sessions at its next meeting. The Governor exercises his authority under their superintendence; and he also presents a Calendar to the Quarter Sessions, containing amongst other particulars, remarks upon the behaviour of every person in his custody, as well as an account of their work: he is compelled to keep a register of all punishments.

In the Southwell House of Correction, the Prisoners sleep in separate cells, but work in the day-time in small companies in distinct wards or sets of apartments, consisting each of three rooms, viz. of a day-room and a work-room, which are calculated to contain four persons, with a smaller work-room, which holds one. These rooms are in general accessible to all the five persons in the same company or class, but the small one is occasionally used as a solitary cell: for instance, if a prisoner has not been orderly during the preceding week, he passes Sunday in that cell alone, instead of associating with the rest of his class.

Every convicted criminal on his first coming into the prison is kept by himself for twelve or twenty-four hours, or two or three days, as the state of his mind may seem to require. There is a separate airing ground to each ward.

The prisoners are put to different kinds of work, according to their ability; but their most common employment is the preparation of cotton for the mill. The necessary materials and implements of labour are furnished by the manufacturers in the neighbourhood, on whose account the work is performed, the prison being situated in a manufacturing part of the country.

The produce of the prisoner's labour is divided, in certain proportions, between the Governor, the County, and the prisoner; a daily task being fixed

fixed for each individual, under the direction of the Visitors, estimated at one half of what he can execute by reasonable exertion; he is, however, at liberty to perform as much more work than his task as he may chuse, and is entitled to the whole fruit of this additional industry, under the denomination of his "extra share." The particulars of this arrangement respecting the division of the prisoner's earnings, which is calculated to prevent the Governor from having such an interest in the quantity of work done in the prison, as might tempt him to urge individuals to labour beyond their strength, may be found in the evidence of Mr. Bedder.

The allowance made by the County to each person in confinement, consists of 18 ounces of bread daily, and one penny per day; and whatever he may require further, to furnish him with additional food, with clothing or with fuel, must be provided by his share of his earnings, of which, however, he is not permitted to spend above 3s. for these purposes in one week; the remainder is laid up for his use when he shall quit the prison, or he may, with the approbation of one of the visiting Justices, send it to his family, which is very frequently done.

The friends of the prisoner are permitted to see him, on obtaining an order from one of the Justices for the county; but they are not allowed to enter his apartments, unless there shall be some special direction for that purpose in the order, or to approach him near enough to convey any thing into his possession without its being seen by the Turnkey.

The prisoners are supplied with proper books; they are encouraged to read to each other; and due attention is paid to their moral and religious improvement. This, however, is in a great measure owing to the peculiar interest taken by the visiting Justices, and the Chaplain, in their welfare; since the 22d Geo. III. c. 64. by limiting the annual salary to be allowed to the Chaplain of a House of Correction, by the Quarter Sessions, to £ 10, makes it impossible for the Court to require more from gentlemen in that situation than the performance of divine service on Sundays.

In both these systems of Penitentiary Confinement, as well as in the 19th Geo. III. the reformation of the offender, instead of being a secondary concern, which must be the case if all power and influence within the prison were lodged in the hands of persons contracting for the manual labour of the prisoners, is contemplated as the primary object, to the accomplishment of which every regulation and arrangement is to be made subservient. As to the means however by which this desirable end is to be attained, each of these three schemes of improvement appears to differ in some degree from the other two. The 19th Geo. III. considers hard labour as constituting part of the punishment to which the offender is to be subjected; and accordingly directs, that the work in which the prisoners are to be employed shall be of the hardest and most servile kind, "in which "drudgery is chiefly required," specifying some kinds which are supposed to be particularly laborious. The improvements in machinery have rendered it difficult to find employment of this description; and in the Penitentiary House at Gloucester, where the principle of seclusion during the hours of labour, as laid down in the 19th Geo. III. is adhered to, and even continued throughout the whole term of the offender's confinement, without the relaxation which was to take place at successive periods under that Act, the work given to the prisoner, instead of being intended to aggravate the weight of his imprisonment, is introduced in alleviation of it. Labour is there considered as an occupation of the mind, without which, solitude, even in the limited degree imposed by the arrangements of that prison, would be injurious, and in which an individual separated from others

others will gladly seek relief from the pressure of idleness without an object.—In the House of Correction at Southwell, separation during the day time forms no part of the general system, though it is occasionally resorted to as a punishment for misbehaviour within the prison; and the labour of the person confined is called into action, and encouraged, by an offer of a large share of the profits arising from his work. It is there supposed, that the vigilance of those who have the care of the prison will be able to prevent any mischief that might result from the communication of a few individuals with each other; and that in the small circle in which the offender is allowed to move, he may be expected under proper management to form habits of industry and self-restraint, which he will be likely to practise on his return to society.

The systems which have been pursued at Gloucester and at Southwell have both the testimony of experience in favour of their efficacy; and Your Committee are of opinion, that both may be advantageously applied at successive periods in the course of the same imprisonment, in conformity to the principle of the clause of the 19th Geo. III. which forms the prisoners into classes with a view to the progressive mitigation of the strictness of their confinement. Your Committee do not consider the statement already advanced to, from Gloucester, concerning the effect of the prisoners' conversation with each other when they come together, in obliterating the good impressions which had been made on their minds by previous seclusion, as conclusive against the propriety of allowing them to work in small companies during the latter part of their imprisonment, under proper regulations and arrangements; it having appeared, on the contrary, that reformation has actually been produced at Southwell amongst criminals who have been employed in that manner during the whole term of their confinement. When, however, Your Committee recollect, that the offenders within this Metropolis and in its neighbourhood, for the reception of whom the erection of a Penitentiary Establishment is recommended in this Report, must consist for the most part of a much more depraved and hardened description of criminals than those who usually come within the reach of justice in the country, they are convinced that the plan pursued at Southwell would be very inadequate to the purposes of a Penitentiary House for London and Middlesex, unless it were combined with a previous course of discipline, at least as strict as that which is in operation at Gloucester. It seems to Your Committee, therefore, to be advisable to have two classes of prisoners, founded on the division of their respective terms of imprisonment, into two equal portions, and to resort to the principle on which the Penitentiary House at Gloucester is conducted for the treatment of offenders, while they continue in the first class, relaxing their seclusion in the latter according to the system adopted at Southwell. But a power should be given to those who have the superintendence of the Establishment, to bring forward individuals, whose merits should entitle them to particular favour, from the first class to the second; as well as to degrade from the latter to the former for misbehaviour. The latter case only was provided for in the 19th Geo. III.

With respect to the superintendence of the Penitentiary House now recommended, Your Committee are of opinion, that a more eligible arrangement may be made than that contained in the 19th Geo. III. on that head.

Your Committee are desirous of avoiding, if possible, the creation of new places of profit; and they think it most consistent with the practice which has generally prevailed in this country, in regard to prisons, to

entrust the duty of visiting and inspecting a House of the description now proposed, to persons whose rank or situation in society may induce them to employ a portion of their time for the benefit of the prisoners and the public without remuneration. When it is considered how many public institutions in London and Middlesex are now managed gratuitously, it can hardly be apprehended that much difficulty is likely to be experienced in finding a sufficient number of Commissioners to act in a matter of so much general interest, without salary or recompence; and Your Committee therefore recommend, that His Majesty in Privy Council should be empowered to appoint fifteen or twenty Noblemen and Gentlemen to exercise, without pay, such powers, in regard to the proposed Penitentiary House, as were given by the 19th Geo. III. to the Committee to be appointed for the management and superintendence of the Penitentiary House to be erected under that Act, or as it may be deemed advisable to entrust to them under the Act to be brought in for this purpose. The appointment should, in the judgment of Your Committee, be annually renewed, as by its renewal the subject of the Penitentiary House would necessarily be brought once a year under the notice of the Privy Council; and an opportunity would at the same time be afforded, of leaving out the names of such of the Commissioners previously nominated, as should appear by the Minutes of their proceedings to have relaxed in their attendance, and of replacing them by others, without the appearance of censure or imputation of neglect, which might be inferred from an express revocation of their authority.

The Commissioners should also make an annual Report to the King in Council, and to both Houses of Parliament, of the number of prisoners confined within each of the said Penitentiary Houses; of the effects which shall appear to result from such confinement; and of the number discharged since the preceding Report; and should annually lay before Parliament an account of the expences of the Establishment.

The present Session being too far advanced to admit of a Bill being brought in, for the regulation of the various points connected with the Penitentiary Houses here proposed, Your Committee recommend, that a short Act should be now passed, empowering His Majesty to appoint three Supervisors, to act under the authority of the Lords Commissioners of the Treasury, for the purpose of taking measures for the erection of the Buildings required; in which Act, provisions might be made for the settlement of Mr. Bentham's claims for compensation, above mentioned; and for vesting in such Supervisors, for the use of the Establishment now proposed, the lands of which that Gentleman is now in possession as feeoffee under the 34th Geo. III.

Your Committee are not prepared at present to report on the measures which it may eventually be thought proper to pursue, in order to carry the system of Penitentiary confinement into effect in different parts of the country. The most obvious course of proceeding, with a view to that object, would be the erection of Penitentiary Houses for the different Circuits into which England and Wales are divided. But Your Committee do not feel themselves justified in recommending the creation of new Establishments, which must be attended with a considerable expence, when it has appeared, that there are existing Prisons and Places of Confinement, in many Counties, which may be made available for the purpose required, under a proper arrangement with the Counties. While offenders, who are liable to be transported either by the condition upon which they have been pardoned after being capitally convicted, or under a sentence of transportation passed at the Assizes, are kept in the County Gaol, an allowance is

made by Government on their behalf, to the Sheriff, of *2s. 6d.* a week; but if it should be thought advisable that Convicts of this description should continue permanently in such of the County Prisons as are capable of being appropriated to their accommodation, it would be reasonable that the County should receive a sum of money for every such Convict, being a fair proportion to the expence actually incurred on his account. It does not appear that Government makes any Payment, at present, in consequence of the temporary confinement, in the County Gaol, of criminals who receive sentence of transportation at the Quarter Sessions. It is probable that additional Buildings will at all events be required in some parts of the country, for Penitentiary Houses; but, before Your Committee could be in a situation to propose any measure upon this branch of the subject, it would be necessary to institute inquiries, for the purpose of comparing the average numbers of Convicts annually liable to transportation (either under an original sentence, or as being pardoned on that condition) within each county, with the numbers for which the several Counties could furnish accommodation as Penitentiary House Prisoners; enquiries, which could not be terminated in time to admit of any proceeding being founded on the information to be obtained from them before the end of the Present Session of Parliament. It also appears to Your Committee, that the extent of any general plan for the imprisonment of transportable Convicts in Penitentiary Houses, must very much depend upon the opinion which shall be formed in the course of the other branches of the investigation in which Your Committee are engaged, relative to the expediency of pursuing, on a more contracted or enlarged scale, the practice of confining offenders of that description on board the Hulks, or that of sending them to Botany Bay.

31st May 1811.

APPENDIX.

No. 1.—Minutes of Evidence taken before the Committee— <i>Vol.</i>	<i>Mr. John Addison Norton</i> (Keeper of Newgate) - - - - - p. 49
<i>Sir G. O. Paul, Bart.</i> - - - p. 53-57	<i>Jeremy Benthon, Esq.</i> - - - p. 61
<i>The Rev. Thomas Barber</i> - - - p. 73	<i>Mr. J. Ann</i> (Keeper of Southwark gaol) p. 83
No. 2.—Rules, Orders and Regulations, for the conduct and government of the Penitentiary House of the County of Gloucester - - - - -	p. 89
No. 3.—Proposal for a new and less expensive mode of employing and reforming Convicts, p. 95	
No. 4.—Draft of a Contract between the Leeds Commissioners of the Treasury, and Jeremy Bentham, Esq. - - - - -	p. 103
No. 5.—Rules, Orders and Regulations, to be observed and enforced as by Law, for the government of the House of Correction at Southwell, in the County of Nottingham. - - -	p. 109

Appendix, No. 1.

MINUTES OF EVIDENCE.

Committee on Laws relating to Penitentiary Houses.

Friday, 8th de Martii, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Sir George Onghelbarus Paul, Bart. called in, and examined.

*Sir. G. O. Paul,
Bart.*

HAVE the goodness to state how long the Gloucester Gaol has received Prisoners in that part of it which is used as a Penitentiary House?—It was opened on the 25th July 1791.

For what number of prisoners is that portion of the gaol used as a penitentiary house calculated?—The number of lodging cells originally provided for Male penitentiary prisoners was 32, and for Females 12; these numbers have since been considerably increased, by adding the part of the prison intended for an House of Correction to the penitentiary house; the night or sleeping cells will now contain 54 males and 18 females.

Can you state the number of prisoners actually imprisoned?—By the paper in my hand (which I beg to lay on your table) it appears that the numbers at present confined are males 29, females 7—36. The average number during the last year was 47. The Penitentiary House for the county of Gloucester is a prison perfectly distinct from the gaol; the prisoners meet only in the chapel, during divine service.

Are they confined in different cells; and what degree of intercourse is allowed between them whilst they are in the house?—The Rules were first made in exact conformity to the 38th section of the Act of the 19th of the King, cap. 74, namely, by dividing the term of each offender's sentence into three parts, and placing them in three separate classes, according to the respective dates of their commitment: the confinement and labour of the first class being more strict and severe than that of the second; that of the second more so than that of the third; and the prisoners, during the last third part of their time, were to work in society with each other. After an experience of four or five years, the Chaplain, the Rev. Mr. Jones (a man most religiously attentive to his duty) told me, he thought that this system of classes would not succeed; for he had observed, that after a man had been, perhaps, a year working alone, when he afterwards came to work in society, all the good that had been done before was lost: he therefore rather advised a more temperate system for the whole term; but that there should be no change of discipline, by rule, during the time of their staying in prison, and that, in his opinion, the penitentiary prisoners should not work together. I hold in my hand a collection of Rules, forming a code of impel-

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Sir G. O. Poul,
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ishment for the county of Gloucester, as recommended to and approved by the Magistrates, and as I believe, now only waiting the legal confirmation by the Judges of the Circuit. This Code is divided into several sets of rules, one for each kind of prison; and these are subdivided into specific regulations for the several classes in each prison. The set of Rules for the government of the convicted felons confined in the Penitentiary House has been drawn according to the powers of the Act of the 25th Geo. III. c. 10. (the Gloucesterline Act), which has directed, that "in making bye-laws, rules, and orders, for this prison, regard shall be had to the discipline and provisions of the Act of the 10th, as nearly as to the Justices, in their Quarter Sessions, shall appear to be consistent with the more limited design of the Penitentiary House for the County of Gloucester."

What are the hours at which they see each other?—By the 40th rule of General Regulations, a bell rings at six o'clock in the morning from Lady-day to Michaelmas, and at the time of sun-rising from Michaelmas to Lady-day; the prisoners are then respectively to make their beds, and to repair to the cells in the yard, whence, after washing themselves, they go to their places in the chapel; from the chapel they return to the yards, and receive their daily loaf of bread, and then retire, each into a working cell, upon the ground floor; there the prisoner continues to work alone during the day, attended, of course occasionally, by the task-master, or other person appointed to instruct him in his work: after breakfast, two of the prisoners are taken from their cells to tread in a wheel, the power of which raises the Water to the top of the building; after these two have worked a given time, (I believe about twenty minutes) they are relieved by two others, who go to the wheel, and these by others, in succession; the two retiring from the wheel, are taken to the airing yards, and there are directed to walk for about other twenty minutes, before returning to their respective working cells. They frequently come out of the wheel heated, and it is thought to be conducive to their health, that they should cool gradually, by walking in the yards before they return to a solitary prison. Every male offender, not incapable through age or infirmity, works in the wheel in his turn, and, in general, is so employed some part of every day.

Have they any means of communicating with each other, either at chapel or when taking their meals?—At chapel they probably communicate together, in some degree.

Is there any communication with each other when they eat their breakfast?—None. The breakfast as well as dinner is carried to their cells, by two of their fellow prisoners, conducted by an officer, and is there delivered to them; the Governor and the Chaplain attend, and occasionally converse with the prisoners in their cells; but the prisoners themselves never leave their cells, otherwise than as above stated, until half an hour before retiring to their night cells, when they walk together in the yards. By Rule II. "All offenders shall during the night be lodged in separate rooms or cells; and during the hours of labour, they shall, as far as the nature of their several employments will permit, be kept separate and apart from each other."

At what time do they close their labour?—By construction of the above mentioned rules, it appears that the prisoners close their labour about half an hour before six in summer, and a like time before sun setting in winter. By the 34th section of the Penitentiary Act, it is directed, that "all offenders shall be employed in work every day in the year, except Sundays, Christmas day, and Good Friday; and the hours of work in each day shall be as many as the season of the year, with an interval of half an hour for breakfast, and an hour for dinner, will permit, but not exceeding eight hours in November, December and January, nine hours in February and October, and ten hours in the rest of the year." By the original statute, the direction "to work" is positive; whereas in modifying this rule for the county of Gloucester, I thought it advisable to add the explication "if possible;" for I know that it will be found difficult, generally, to obtain employment for prisoners.

Do they commence their labour at the same hours all through the year?—No.

Are any means used to prevent any acts of violence from being committed by them, when they meet altogether in chapel?—It has never been found necessary to provide means to prevent acts of violence by penitentiary prisoners. By referring to the Register of Punishments, it will appear that no act of violence has been committed by any man confined in this prison, since the first year in which it was opened.

Are these rules applicable to offences committed in the prison, that would provide for that case, if it happened?—Certainly.

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Are there any means to prevent the prisoners from committing any Act of violence when they meet together in the chapel in numbers, that might overpower the Keepers and the Turnkeys?—It has never been found necessary, either to use fetters or any other means of coercion, to prevent acts of violence in the chapel or elsewhere.

Are they separated in the chapel?—No, they all sit together, and generally with as much regularity as any other persons attending the chapel would do. The chapel is divided into two parts by a screen: the Penitentiary prisoners enter on one side, and the Idlers on the other; the Chaplain is placed in the centre, and has his eye equally on all the classes; but the unconvicted never see the convicted.

In what material respect do the Rules now fixed upon vary from the provisions of the 10th of the King?—If the Act were read clause by clause, and my corresponding regulation were read afterwards, you would easily discern the difference. It, I am of opinion, that a general system of handicrafts should not be so much to depend solely upon gaining employment for all persons to be confined. Still, I think fetters entirely unnecessary; we at first used a ring about the leg, but even that has now given up. Jilly, in the Act of 19 Geo. III. the particular works in which the prisoners are to be employed are specified, and are of a hulk nature, such as treading the wheel, sewing thongs, and beating hemp; we could not possibly obtain such employment; we have therefore given a different direction to the purpose of our industry. One of the greatest of our alterations of the principle, is with regard to labour; labour in all preceding laws has been considered and directed as a means of punishment; "punishment by hard labour." Now it is difficult to obtain hard labour since the great improvements in machinery; work therefore, with us, is admitted rather as an occupation of the mind than as a punishment; and to this end we introduce variety in the occupations, to teach trades, and to relieve the mind from that burden which solitude without an object would occasion. We consider employment as a means of rendering solitude effectual to the purpose of reformation. [See the volume of *Tracts on the table*; Address, 1809, p. 73.]

Sir G. O. Paul,
Bar.

[Sir George Paul's Letter to Mr. Secretary Ryder, dated February 26, 1811, read.]

Have the prisoners any portion of their earnings?—None.

Does their fare depend at all upon the degree of their labour?—Not at all; they live by a fixed dietary. The Dietary is in the Appendix to the Rules, p. 73.

Do you think giving them a portion of their earnings, or giving them better food in case of their labouring, would be productive of any benefit?—I think not; I think all prisoners under the circumstances in which they are placed, should be kept well; the principle of the General Penitentiary Act, as well as that for Gloucester, is to give them a dietary, and suffer them to have no other food. You command their exclusive dietary as a part of the police. By the Penitentiary Act, any person bringing to a prisoner any other food than that which is directed, is punishable, and the prisoner is also punishable for receiving it. It is designed that the allowance to prisoners shall be sufficient for their healthful existence; this purpose is most scrupulously attended to. Disobedience of rule is punished by a greater degree of solitude, but no part of bread allowance is ever withheld. Rewards to prisoners for good behaviour, is only given after a year's faithful service with the same master, after his return to society.

Have you found it necessary to vary the diet according to the different constitutions of prisoners?—We never vary the diet within the wards of the prison; if the Physician or Surgeon notes in his journal an opinion that a prisoner requires a more liberal diet, he is removed to the hospital ward, and he has then whatever the Surgeon directs. Equal quantities are in the first instance distributed to all. Some men, who have voracious appetites, will eat more than a pound and a half of bread; in some particular employments also (for instance, if you employ a man to whitewash the wall) he will eat more than his allowance of bread; whilst of those who lead a sedentary life, many will hardly eat a pound and a half; in general, a pound and a half of bread is sufficient for a man who is not employed in violent muscular exercise. We do not limit them as to bread; if they require it, they have it. Beer is not admitted into the wards of this prison, nor any other fermented liquor.

And you have not found fermented liquors necessary to the health of the prisoners?—Rarely, I conceive; but if necessary to the health of any individual, it is provided for him of course, as mentioned in answer to the last question.

How often is the prison whitewashed?—The Statute directs that all goals shall be whitewashed every year; but we deviate from this direction, and add in our Rules,

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*Sir G. O. Paul
Bart.*

"if thought necessary;" because it would be unnecessary to wash a cell which has not been used perhaps in the course of a year.

Are there any hot and cold baths?—Both; every criminal when first brought into prison is put into a warm bath, and washed; he remains in the Lazaretto till this is done.

May we suppose that the regulations in general are really carried into execution?—I venture to say that the rules in general have been strictly attended to. The avoiding so far with discretionary authority has been sometimes carried to an extreme. Mr. Cunningham, the keeper of the gaol, is cases of doubtful interpretation, is disposed to relieve his own responsibility by obtaining special orders from Magistrates.

Are the prisoners ever compelled to use the hot baths or the cold baths at any time but at their first entrance?—Never; except by order of the Physician or Surgeon.

What is the rule respecting their clothing, as it respects their own clothes?—On the commitment of felons to the gaol, their own clothes are ticked, and put by till the time of their discharge.

When persons are committed to the Penitentiary House who have been in the habit of making free use of liquors, have you found the sudden discontinuance of them injurious to their health?—I believe never in any instance; at least I find no such observation in the Surgeon's journal.

Is there any variation in the treatment of persons of that description?—None. Mr. Howard was extremely anxious not only to introduce water drinking, but to prevent the drinking any other liquor. I have not gone this length, but I determined to try the experiment; and my opinion, founded on the experience, is, that men who labour, and have no better liquor than water for drink, should receive a portion of animal food; and that a man labouring on a vegetable food, should be allowed a nourishing and generous liquor. We had a large mount of earth to remove from before the gaol at Gloucester; I engaged a Staffordshire foreman, and ordered him to work a number of prisoners; they began their work about the 26th of July, in the midst of harvest time. The people who worked in the neighbouring field, and who drank freely of cyder, were frequently affected with fevers; whilst our prisoners, worked through the heat of that summer with no other beverage than water, and not a man failed. Instead of two meat days a week, I gave orders for four. I have observed that the Staffordshiremen in general avoid strong fermented liquors whilst they work; they reserve them for a luxury and debauch on a Sunday.

Were those persons employed to remove the ground convicts?—They were convicts, all of them.

In case of a man's refusing to work, would his food be abridged?—A man submitted to solitary existence will rarely refuse to work; but if he should do so, he would be otherwise punished. The pound and a half of bread is never withheld.

Have any of the persons who have been confined to water, complained of any want of strength in consequence of it, or of its bad effect upon their constitution?—I remember one prisoner with whose constitution the dietary altogether did not agree; the consequence was, that he lived in the hospital ward a great part of nearly four years, by the Surgeon's direction.

Do you think it essential to the success of the Penitentiary system, that the prisoners should work quite alone; or should you think it materially injurious to that system, to allow them to live and work two or three, or even as many as four, in a cell?—I think it more beneficial that each should work alone.

Does any body superintend them at church?—The Keeper is always at church, and has a view of them.

Does any person particularly fit among them?—No.

Any Tasker?—There is only one man who particularly attends to them; the Committee have not an idea how easily these persons are governed.

What degree of religious instruction is communicated to prisoners in confinement in your Penitentiary House?—I be general provisions for religious instruction will be best understood by reference to Rule XXV. Amongst other duties of the Chaplain, he is therein directed to read the Service of the Church of England, on every Sunday, Wednesday and Friday. On Sunday there is also a sermon, which is generally on subjects applicable to the situation of the prisoners, debtors as well as criminals; on other days certain short prayers, selected by the Chaplain, are read by the Governor or his Clerk.

Inform

Inform the Committee in what manner Sunday is passed by the penitentiary prisoners?—The service on Sundays is generally about eight o'clock in the morning, sometimes at four in the afternoon; during the subsequent part of the day, the penitentiary prisoners are confined in the working or day cells, which they respectively occupied the preceding week, where they are allowed by the Chaplain, a Bible, Prayer-book, and Melmoth's Importance of Religion, and occasionally some other religious tracts; these books the offenders are required to read, and the officer of the division is directed to report their neglect to the Chaplain. To those who are totally illiterate, spelling-books are given, and one of the best informed of the penitentiary prisoners is admitted into their cells to give instruction; in this case the Rule directing separate confinement would be dispensed with, as it would be by Rule IV. in the case of prisoners instructing each other in any trade or manufacture.

Inform the Committee if any prisoners are taught to read, or to write, or cast accounts; and if any persons have been so taught, how can such teaching have been effected without breaking through the second rule?—This question is partly explained in the preceding answer. Persons sentenced to long terms of imprisonment, have invariably learned to read; but a person confined only for a few weeks, is of course discharged without receiving much, if any benefit in this respect. The Chaplain does not encourage penitentiary prisoners in learning to write or cast accounts, from an opinion of its being usually unnecessary to their reformation; in several instances, however, when a prisoner has expressed an anxious desire to obtain further instruction, he has permitted copies to be given. I recollect a particular instance, of a man, who could not write or read, when committed; he was condemned to death for an highway robbery; he was reprieved—sentenced to imprisonment—escaped over the boundary wall—was retaken, tried, convicted, and sentenced to an additional term of three years; when this man was finally discharged, he could write, read, and cast accounts so well, as to be engaged in service as a bailiff to a farmer in the neighbourhood in which he lived, and received the county reward of three pounds, for faithful service.

By whom were instructions given him?—I believe, by the Chaplain, and by a fellow-prisoner by direction of the Chaplain.

Who selects the prisoner to be entrusted to teach the others to read and write?—The Chaplain. I know he was some time since desirous of establishing a kind of Sunday-school, under the direction of a selected prisoner. But there are generally a number of offenders of the Methodist persuasion in this prison; their tenets are unfavourable to penitence and remorse for past conduct; yet, in general, these are the men most capable and willing to become teachers. I rather think the Chaplain has laid aside his purpose, on account of the difficulty of selecting a man altogether fit to execute it.

Lane, 11th de Month, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Sir George Oagphorus Paul, Bart. again Examined.

Of what are the cells of that part of the prison, used as a penitentiary house, and particularly the floors of the cells, constructed?—The floors are laid with paving-stones. The walls of the cells are brick, and brick arched over head.

How are the cells upon the ground-floor warmed?—By under-ground flues, in the nature of hot-house flues. When the prison was first built, the working-rooms or cells were warmed by open fires; but, by experience, I found that open fires, together with free ventilation, were dangerous to health, inasmuch as the fire drew the current of air from the two ventilation openings to that fire, and the prisoner, placed in the draught, was frequently affected with chills and cold. We have since attempted, as an experiment, to warm the cells by under-ground flues; and, difficult as it may seem, I think we have succeeded in warming them equally. I have found that No. 1, nearest the fire, is not more than two or three degrees warmer than No. 12, the last of 12 cells warmed by one fire. By warming the cells in this manner, all objection to free ventilation is removed; because there is no longer a draught, causing the air above to act on the prisoner; and as

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Sir G. O. Paul,
Bart.

there is now no objection to the leaving open the ventilation holes near the crown of the arch, the air is perpetually changing, and a due ventilation is produced. In every cell there are two openings for the purpose of ventilation, one opposite to the other. By the warming under ground, you may always keep the ventilation free and active; the air will enter by one, and discharge itself by the other opening; but if I were to cause an open fire to be made in the chimney of a room so ventilated, the external air would be drawn inwards, and the person placed before the fire would be sensibly affected by the current, at the risk of producing an aguish disease.

What other apertures are there in the day cells, besides the two ventilation holes?—None but the openings of the door and window. There is a large window in every working cell, filling the whole front of the semicircular arch of the roof; these windows have swinging shutters, opening to the top, at the will of the Keeper. The shutters I have considered as openings for the ventilation described above.

What is the height of the cells?—The working cells are 11 feet 6 inches; the first floor sleeping cells, 10 feet; the second floor sleeping cells, 9 feet, from the surface of the floor to the crown of the arch.

How are the night cells situated with reference to the day cells?—It was a kind of axiom laid down by the Committee and Superintendents for the penitentiary houses, under the Act of the 19th, that no prisoner should be lodged during the night on the ground floors, and this, as well in regard to health, that the prisoner would be kept exposed to damp, as on account of security from escape. And again, for like reasons, (health and security) no prisoner was to pass the night in the same apartment in which he had passed the day.

How are these cells warmed?—Not at all.

How are they ventilated?—In the same manner as the day cells are.

What is the dimension of the ventilation hole?—The ventilation hole towards the gallery, is a circle of about nine inches diameter, grated with iron. I beg to be understood as speaking of ventilation holes or openings, and not of a machine called a ventilator.

What are the dimensions of the night cells?—Some of them 8. 5. by 8. 2. others 8. 9. by 8. 2.

Do you recollect the thickness of the walls through which the ventilation holes are carried?—The brick-work, I should think, is about eighteen inches.

What is the number of persons employed as officers and servants in the Gloucester Gaol?—The first officer is appointed Governor of the Penitentiary House; and it is expected that he shall also execute the office of Gaoler, if thence appointed by the Sheriff of the County. Heretofore, the Sheriff has always appointed the same person. Under his care is the Sheriff's Prison on one side, and the Magistrate's Prison, or Penitentiary House, on the other. The Governor and Keeper is allowed a Clerk, to keep his books. The next officer is Taskmaster or Manufacturer: this person has the immediate care of the Penitentiary House under the Governor. There is no other officer specially appointed to the Penitentiary House: the Assistants are more or less in number, as circumstances require. The establishment consists of a Porter, who never goes from the gate; an Assistant exclusively for the gaol, and a second Assistant for the whole.

For what number of prisoners do you think those persons will be sufficient?—The Gaol has been full, and it has then been managed by the same establishment of Keepers. At the Spring Assizes, in the year 1801 (the year of scarcity) there were 120 prisoners for trial, and the whole number of prisoners in the Gaol and Penitentiary House was 209.

Were the assistants then increased?—I believe the establishment was the same; there might be a supernumerary. At the time of an Assize there are always occasional assistants.

Were they found sufficient?—Yes; I can venture to say, that not more than one assistant has ever been allowed to the Manufacturer in the Penitentiary establishment. In addition to those mentioned on the establishment, there is a Matron, or female Superintendent, who has the charge of the prisoners' linen, looks after the laundry, and all the other work of the female prisoners: there is also a female Meddler for the gaol, whose business it is to attend felons and debtors in their several wards once at least in the forenoon of every day, to receive the orders of the prisoners for such articles as they may require, and for which they shall advance to her the money necessary for the purchase. This person lives in the town. As a security, there is a

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Night guard, who never enters the prison in the day-time, nor ought he to have intercourse with any prisoner: he walks his rounds between the outward boundary wall and the building of the prison.

By whom are all these officers appointed?—By the Justices in their Quarter Session. There is a Chaplain, whose duty it is to read prayers every Sunday, Wednesday, and Friday morning, and to preach a sermon every Sunday, Christmas Day, and Good Friday, under the Act of the 13th Geo. III. c. 53. There is also a Surgeon, under the Act of the 14th Geo. III. c. 59. and 45th Geo. III. c. 10. He is paid a fixed salary to find medicines. Both these officers keep journals, in which they state all the circumstances that happen in their respective departments.

Have any escapes ever taken place from that part of the goal used as a penitentiary?—Since the appointment of the present Governor, which I believe is eighteen years, no escape from the Penitentiary has been completely effected.

Are the cells for women, in the Penitentiary House, constructed in the same manner as the cells for the men?—The sleeping cells for the women are constructed in the same manner as those for the men. The female penitentiary house consists chiefly of a laundry. The washing for the two prisons is the chief employment for the female convicts, and is generally sufficient work. By the Rules, this business must at all events be done, although the rules for solitude be thereby superfluous. The few solitary working rooms for women are on an upper floor, and are fitted up with glazed windows and boarded floors; they are warmed by stoves, and iron pipes passing through them.

Is there any work done by the women, except the washing?—But little; there are never many female felons, at present only seven.

In case any offence is committed by persons within the walls of the Penitentiary in any punishment applied to them?—Punishments can only be inflicted according to the Rule XII. of the Penitentiary Regulations, and by the authority of the special Act for the county, with reference to the Act of the 19th.

What punishments have you known, in fact, used within the Penitentiary House in Gloucester?—I have directed the Register of Punishments to be laid before the Committee. In this book will be found an entry of every punishment inflicted since the prison was opened. I believe there have been, in the 19 years, two men whipped by order of the Magistrates.

Have you found the punishments directed by that Act, fully sufficient?—I think fully sufficient. Women frequently resist, or are not amended by the confinement in the dark cells; but the men are in general soon subdued by this mode of punishment.

Are those cells on the ground floor?—No; always on the upper floors.

Is there not a power lodged in one of those Acts, to send offenders to their original sentence of transportation, in case the discipline of penitentiary houses is found to have no effect?—Not that I know of.

What opportunities have the persons confined, of making complaints of the Governor, or of the treatment of the house?—The Chaplain visits every prisoner perhaps two or three times a week; and it is the duty of the Visiting Justices "personally to visit and inspect the prison three times in each quarter of a year, and oftener if occasion shall require."

What opportunity have they of complaining of the Governor?—They may complain to the Chaplain or to the Visiting Justices.

Is it in the power of the Governor to refuse the Chaplain to see the penitentiary prisoners?—I think not; he would demand to see them.

What do you conceive to have been the moral effects of the penitentiary system, in the county of Gloucester?—Whilst I acknowledge, regarding the whole of the system of imprisonment, that (like other ardent theorists) I imagined more than has been, or than perhaps could be brought into practice and effect, I am sure I am justified in saying that the Penitentiary House has succeeded in its effects beyond the theory imagined by the original projectors of the system; far indeed beyond my most sanguine expectations. A long experience has proved beyond a possibility of doubt, that a government by rule, mild, but strictly adhered to, is sufficient to insure safe custody, and to preserve authority, without having recourse to fettering the limbs or to injudicious punishments. No act of violent resistance to the Governor's authority has taken place in the Penitentiary prison, nor has any attempt to escape been made, for the last sixteen years, although there has never been more than one officer appointed (namely, the Manu-

facturer)

Sir G. O. Paul,
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gaoler) to look after this prison, with occasional assistance from the Sheriff's prison, at opening the cells in the morning and locking up in the evening,—in the sixteen years preceding the 25th July 1807, There were

				Prisoners.
Committed by Sentence, for Terms of Imprisonment				455
Capital Convicts reprieved from Death, and ordered to Imprisonment				29
By Sentence, and Order of Imprisonment				484
Capital Convicts ordered to be transported for Life	60	—	—	—
Of these, there were removed to the Hulks	—	55	—	—
Retained in the House	—	—	5	—
Capital Convicts ordered to be transported for 14 years	6	—	—	—
Of these, removed to the Hulks	—	4	—	—
Retained in the House	—	—	2	—
Capital Convicts ordered to be transported for Seven years	22	—	—	—
Of these, removed to Hulks	—	13	—	—
Retained in the House	—	—	9	—
Sentenced to Transportation for 14 years	4	—	—	—
Of these, removed to Hulks	—	2	—	—
Retained in the House	—	—	2	—
Sentenced to Transportation for Seven years	118	—	—	—
Of these, removed to Hulks	—	94	—	—
Retained in the House	—	—	34	—
Total of Transports retained in the House	—	—	52	52
Total of Transports removed according to Sentence and Order	—	—	—	536
Total of Commitments in the 16 years	—	—	—	704

The transports kept back were pardoned on application to the Crown, in consequence of good behaviour, after from two to four years. Of the offenders discharged, many are known to be leading reputable lives of industry, and to follow trades which have been taught to them in this prison; many more would be so known, but that, notwithstanding all our precaution, and a considerable confidence of the public in the effects of our discipline, it is difficult to overcome the prejudices of the public against the effects of a prison association; the high-spirited, and therefore, perhaps, the best of the reformed, will rather migrate to distant countries where they are unknown, and follow trades learnt during confinement. If a man leaves the prison with a certificate, and returns with a certificate of good behaviour from a master whom he has served for a year, he is entitled to a reward of £5; frequent are the instances of this demand being made, and willingly paid by the Quarter Sessions.

Has any instance occurred where solitary confinement in the Penitentiary House at Gloucester has produced any derangement or unfavourable effect on the mind?—Most certainly none. If the Committee will have the goodness to refer to Rule XXVII. regarding the Surgeon's duty, they will perceive that on the earliest appearance of any such unfavourable effect, the cause would be immediately suspended.

What is the longest period for which any prisoner has been confined in the Penitentiary House?—I believe four years. When the transport convicts exhibit a disposition favourable to penitence, we do not solicit an order for their removal; if they continue to behave well for two, three, or four years, according to circumstances, application is made to the Secretary of State for the time being, who has been always ready to represent the cases to the King for pardon. But I beg to add, that if the power of transportation had been suspended, and if in consequence of that suspension we had been compelled to retain all persons convicted of larceny and other greater crimes,

crimes, as an alternative punishment for transportation, I think it more than probable that we should not have reformed a man.

Sir G. O. Paul,
Bart.

Considering that the proposed Penitentiary Establishment might contain a numerous class of criminals, would you recommend that a power should exist of carrying an offender's original sentence of transportation into effect, or of removing him to the Hulks, in case it should be found within the first year or two of his confinement that the discipline of the House did not produce a ready habit of obedience?—I am not aware that there is a legal power existing, to receive into the national Penitentiary Houses, (if built), convicts waiting removal under the specific sentence or order of transportation. The power to submit transports to the discipline of the Gloucester Penitentiary, was specially given by the provincial law. If it should be thought fit to subject transportable convicts, in general, to confinement in the national Penitentiary Houses (as at Gloucester by Sir Jervis Act) "until they shall be transported, or otherwise removed according to law," I certainly should recommend that the present existing power of the Crown, to pardon, or to carry the original sentence into effect, should not be interfered with.

You said, there had been no attempt to escape, or no irregularity, for 15 years; you told us afterwards, that two men had been whipped.—I think I said, that "no act of violent resistance to the Governor's authority had taken place" during that term; I certainly did not mean to assert, that no irregularity deserving a check of discipline, had happened.

You mentioned, that most of the women were employed in washing; do you know what other employments were occasionally used for any of them?—They make the gait shoes and slippers, they mend and make the shirts and other clothing for the prisoners. I now deliver to the Committee a List of Convicts, male and female, confined in the Penitentiary House; with a Statement of the particular kind of work on which each prisoner is employed.

Do you think it would be a useful application of this principle, to allow the prisoner, after working a considerable time in the first class, to work with one more prisoner?—I should never put an offender to work, or otherwise associate, with another offender; if I gave him one companion, I should give him two or more, undoubtedly.

Is there any way which suggests itself to you, in which that provision of the Act could be carried into effect by a relaxation of strictness of confinement?—I think that strictness of confinement may be relaxed in individual cases.

In first class are not three classes?—We have not; I do not mean that two or more classes may not occasionally be employed together in particular work; the Governor may and does, at his discretion, employ any prisoner as constable of the division, &c.

Is that rule acted upon?—Always; all the work of drudgery of the Penitentiary House is performed by the prisoners, such as serving the dinner and breakfasts, cleaning the windows, and sweeping and cleaning the bed-rooms and other parts of the prison.

What number are generally selected for that purpose, and upon what principle are they selected?—The numbers selected are according to the service to be performed, and the selection is entirely in the Keeper; it is probably considered an indulgence; there are two usually employed in or about the kitchen and scullery, and probably two as constables of division, one on each side the building, to sweep the gallery and cells.

I give the constables any authority over the other prisoners?—None.

Then you would not recommend that regular classes of the prisoners should be formed in the manner directed by the Act of the 19th of the King, for the purposes of particular indulgence?—I should not recommend it; that rule formed part of our first code, but in the Rules which I have now recommended to the county, it is otherwise, for reasons given on my Examination on a former day, and which are convincing to my own mind.

Is the treatment of the prisoners, in the third and fourth year, the same as in the first?—The same, generally by rule.

Whether those persons who were promoted into the class of indulgence, abused that indulgence?—I take it for granted they did, as I had before the honour to state, in answer to a similar question by the Committee. It was in consequence of the observation of the Chaplain, and from my confidence in his representations, that I was induced to recommend that alteration of the original Rule (taken from the 38th sect.

Sir G. G. Paul,
Bart.

of 19th Geo. 3.) which has caused offenders to work alone through the whole term of their imprisonment. I now hold in my hand a letter from the same Gentleman, who has nearly completed his sixth year's experience of this arduous office, without relaxation in attention to the general welfare of the persons under his spiritual guidance. This communication has been made to me since I was left in this room, in pursuance of my request that he would enable me to speak confidently to this Committee regarding the motives of his first advice, as well as to his present opinion of the actual consequences of the measure he is advised. It appears that the first change was occasioned by the alterations observed in the conduct of prisoners on their quitting the first class. The confinement in the first class uniformly produced the most promising effects: the solitude induced the prisoners to pay more attention to their work, and moments of relaxation from labour were willingly devoted to reading and meditation. But on their admission to the second and third classes, in which they were allowed to work in companies, the impressions made on their minds during the former term of seclusion, were immediately obliterated by an idle conversation naturally taking place between such associates. And generally, in respect to the system of imprisonment adopted in this Penitentiary House, this Gentleman now supports his frequently renewed former declarations, that "he has had but one unshaken opinion since the opening the prison. In every point of view he conceives it to favour more of indulgence than of severity; and in proof of this assertion he states that he has the acknowledgments of the prisoners themselves, made personally to him, as well as to their friends on their return home; and he has no doubt but such is the prevalent sentiment in the county."

Will you be so good as to state your opinion of the effect of solitary confinement?—Solitude, with due occupation or employment, and with due attention to its effects, will, I doubt not, act favourably and forcibly on the mind of the most hardened criminal; but without such occupation and such attention, it ought never to be applied.

Do you consider it to be of great importance that the Chaplain of the Penitentiary House, and the Surgeon, or either of them, should occasionally confer with the individuals confined, without the Governor or any other officer being present?—With regard to the Chaplain, it is part of his duty frequently to see and converse with the prisoners, without the Governor, Keeper, or other officer being present; with respect to the Surgeon, he is directed to see every prisoner confined in the prison twice a week, sick or well.

Do you think that the protection of the prisoners against possible ill-treatment would be materially lessened, or any other bad consequence produced, by allowing the Chaplain and Surgeon to be nominated by the Governor, and removed at his discretion?—There would be no protection from the ill-treatment of a Governor, from the inspection of officers appointed by himself, and removable at his discretion.

Would any degree of responsibility or responsibility in the Governor prevent such an appointment being very objectionable?—So long as it shall be thought fit to vest the controul of the prisons in the Justices of a county, in them should also vest the appointment of the Chaplain and Surgeon.

Whether the protection of the prisoners against ill-treatment would be materially lessened by allowing the Governor to appoint the Chaplain and Surgeon?—I think it would.

Would you think it objectionable to allow the inferior servants of the Penitentiary House to be taken and discharged at his pleasure?—I should not think it objectionable; if the Governor has a responsibility, he must appoint his inferior servants, or at least have a power to discharge them.

Do you think it essential, in establishing Penitentiary Houses, that some superintendence should be provided to be exercised by persons visiting the house in person?—The law has directed that visiting Justices shall be appointed to visit and inspect Penitentiary Houses; if appointed, they should visit the house in person.

Would it be a defect in a system that did not provide for that degree of visitation?—I think it would be a defect if it did not provide for a visitation in person, or if it is dispensed with that which is already provided by the general law.

Mercuri, 13^e de Martii, 1811.

GEORGE HOLFORD, Esq. in the Chair.

The Reverend John Thomas Becker, one of the Visiting Justices for the Nottinghamshire House of Correction at Southwell, in the same County, Examined.

HOW long has the system of employing the prisoners in labour been adopted at Southwell?—About six Years: but the Justices, wishing to encourage it, have erected a new House of Correction, which has not been occupied more than three years, and the rules by which it is governed were confirmed at the Midsummer Quarter Sessions in the year 1808. This House of Correction is constructed upon what may be called the windmill plan, with a central house and three wings (each wing comprising two wards) and consequently supplies accommodation for six distinct classes of prisoners. On the ground floor, each ward consists of a day-room, a work-room, and a solitary work-room; so that, as these apartments are provided for five prisoners, more than two never necessarily associate together during the day-time. All prisoners sleep in separate rooms on the chamber story, except those in a state of sickness, on which occasion two are allowed to lodge in the same apartment, as they must also do when the crowded state of the prison will not allow of their being lodged separately.

Are the different wards appropriated to the different descriptions of prisoners?—In this respect the strictest attention is paid to police, and prisoners of different classes never associate together. The classes now observed are, Males; felons for trial, petty offenders for trial, felons convicted, petty offenders convicted: Females; felons, petty offenders. No fuel, clothing, or dietary, is allowed by the county; but our system proceeds on the principle of being self-sustained, and of enabling every prisoner to provide maintenance, clothing, and fuel, for himself, by his own labour, without any expense, excepting the original county allowance, which is eighteen ounces of bread and one penny per day. After a prisoner has been examined with regard to cleanliness and health, he is introduced into that class, to which, according to his warrant of commitment, he belongs. If he be a mechanic, he is employed at his trade, for which the materials and the implements are supplied by the manufacturers residing in the neighbourhood, without any particular solicitation. If the prisoner is not himself a manufacturer, he is then employed in the cutting and picking cotton, or in making mats, or in cutting peeps for shoe-making, or any such work that we can provide; but the preparation of cotton for the mill may be denominated the staple manufacture. Should the prisoner be committed to hard labour, his earnings are thus divided; to the county one half; to the Governor one fourth, and to the prisoner one fourth; if he be not committed to hard labour, his earnings are divided, by giving one fourth to the county, one fourth to the Governor, and one half to the prisoner. A daily task is set for every prisoner by the Governor, but it is submitted from time to time to the visiting Justices; it is set at the commencement of every week, and is estimated at one half of the profit that would arise from the prisoner's daily labour, if he were to exercise due exertion; all the money earned in addition to this task, is denominated his extra share, and is applicable solely to his own use, on the condition that he shall not for his private expenses be allowed more than three shillings weekly. In addition to this allowance, every prisoner committed for hard labour receives daily, for what is denominated extra maintenance, one penny, if he performs his task and behaves orderly; and also an additional sum of one penny for every sixpence arising from the nett profit of his task; if he be not committed for hard labour, he receives for extra maintenance the sum of one halfpenny for executing his task, and also an additional sum of one halfpenny for every sixpence arising from the nett profit of the task; all which is in addition to the county allowance before stated. This will be more generally exemplified by the following extract from the Work Book, for one week: "Ward No. 4, prisoner's name, T^{ms} B^{ms}, aged 39; offence, stealing two hay forks; convicted October the 5th, 1807; sentenced to be held to hard labour for two years; employment, frame-work knitting; amount of earnings, eight shillings and a penny; number of days employed, six; amount of daily task, one shilling and two-pence; amount of weekly task, seven shillings; county's share, three shillings and six-pence; Governor's share, one shilling and nine pence; prisoner's share, one shilling and nine-pence; pri-

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Rev. J. T. Barber. prisoner's extra share, one shilling and a penny; total of prisoner's shares, two shillings and ten-pence; county allowance, consisting of eighteen ounces of bread and one penny per day, two shillings and four-pence; maintenance money, eighteen-pence, being one penny per day for executing his daily task, and one-penny per day for each sixpence contained in the daily task of one shilling and two-pence mentioned above; earnings exceed maintenance, four shillings and three-pence; orderly and industrious. Ward No. 2, prisoner's name, W^m G^o, aged 38; offence, unlawfully receiving stolen goods; convicted October 6th, 1806; sentenced to imprisonment for two years, not to hard labour: shoemaking; amount of earnings, fourteen shillings and sixpence; number of days employed, five; amount of daily task, one shilling and sixpence; amount of weekly task, nine shillings; county's share, two shillings and three-pence; Governor's share, two shillings and three-pence; prisoner's share, four shillings and sixpence; prisoner's extra share, five shillings and sixpence; total of prisoner's shares, ten shillings; county allowance, consisting of eighteen ounces of bread, and one penny per day, two shillings and four-pence; maintenance money, one shilling, being one halfpenny per day for performing his daily task of one shilling and sixpence, and one halfpenny for each of the sixpences contained in it; earnings exceed maintenance eleven shillings and two-pence; orderly and industrious."

Of what officers or servants does the establishment consist?—A Governor, with a salary of £.100 per annum, very lately augmented to £.120, out of which he maintains his Turnkey; a Chaplain, with a salary of £.20 a-year; a Turnkey, with a salary of £.20 a-year. No fees or perquisites of any kind are allowed. The Surgeon makes a bill.

What is the annual expense of the establishment of the House of Correction to the county?—The total expense of the establishment, salaries, and every contingency, for the year ending at Midsummer 1809, was £.508. 19. 3.; from which if £.71. 18. be deducted for profits of the prisoners labour applied to the use of the county, the nett expense will be £.437. 1. 8. which includes the county allowance and every other contingency, for an average of 28 prisoners daily confined, being £.18. 3s. 6d. per head, of which sum £.15. 1s. 2. is actually paid by the county: and for the year ending at Midsummer 1810, the expense was £.465. 17. 3d.; from which if £.40. 0. 6d. be deducted, for the profits of the prisoners labour applied to the county, the nett expense then remaining, and defrayed by the county, is £.426. 16. 9d. for an average of 26 prisoners.

Would the county allowance be sufficient to maintain the prisoners, if they did not labour?—I do not conceive eighteen ounces of bread per day, and one penny in money, to be sufficient for sustaining any man in a state of health; and I have seen the health of the prisoners greatly impaired by this diet, in our old prison, when they had no other means of subsistence.

Can you form any notion of what additional allowance would be necessary, on account of maintenance?—From very accurate calculations made, supposing the prisoner to be fastened on alternate days with eight ounces of meat, which is generally reduced by boiling to six ounces, and with broth for dinner, and with gruel for breakfast, and one pound of bread per day; I have not been able to bring the expense under eight-pence or nine-pence a day, which I conceive to be the most economical allowance that could with propriety be given to the prisoners.

What allowance was made by the county of Nottingham, to their prisoners, in the former House of Correction?—One pound of bread a day, which was the allowance before the introduction of employment, and one penny in money.

Was that allowance found to be sufficient?—It was not in my opinion sufficient; in consequence, many prisoners received food from their friends; and whenever a prisoner was found suffering by the want of food, the Visiting Justices were empowered to relieve him to such extent as they thought proper, which they invariably did, according to their discretion.

Would not some allowance from the county, for fuel and clothing, be necessary for the prisoners, if they earned nothing for themselves?—In our county, for many years, nothing but bare straw on a bedstead was allowed for bedding; some few years since, rugs were added, but no other bedding was furnished previous to the new regulations, nor fuel, nor clothing of any kind, except according to the special order of the Visiting Justices, which they were invariably permitted to make with great liberality.

If the insufficiency of the present county allowance were not supplied either by the earnings of the prisoners themselves, or by the kindness of their friends, would not

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either a considerable expende be thrown upon the county, or great sufferings be sustained by the prisoners?—I conceive that I have answered this question, by already stating, that I do not conceive eighteen ounces of bread and one penny in money sufficient for sustaining any man, for a continuance of time in good health.

Are there not persons confined, who are sometimes incapable of labour?—Blindness is almost the only cause that prevents people from labour in a state of health; but even for blind persons, some kind of employment is occasionally found.

What provision is made in the gaol for persons, who either from blindness or ill health, may be unable to earn any thing for themselves?—The Visiting Justices exercise a discretion, which has never in any instance been controverted. The Surgeon regulates the diet and treatment of all prisoners who are unhealthy.

Do you believe that the present allowance made by the county of Nottingham is the same, or nearly the same, with that made by neighbouring counties?—I have reason to believe that the county allowance originally given in Nottinghamshire, has prevailed very generally throughout the kingdom, videlicet, one pound of bread and a penny a day.

Is the labour of these prisoners voluntary or compulsory?—The only mode of inducing persons to labour, is by preventing those who refuse to labour from associating with those who do.

Have you had many complaints against prisoners, for injuring or destroying the implements or materials for their work?—No instance of destroying either implement or materials has occurred; but prisoners, out of an over allowance of cotton, which is usually given in the framework knitting trade for waste, have, in a very few cases, saved sufficient to make a pair of stockings, and endeavoured to send them clandestinely out of the prison. There appears no provision in any law on this subject, for punishing a man, who, the day before he is discharged, destroys the implements with which he works; the Governor may withhold the money reserved in his hands, but this in many cases might be very insufficient.

Feurib, 15^e de Mars, 1811.

GEORGE HOLFORD, Esq. in the Chair.

The Reverend John Thomas Becker, again examined.

How are the prisoners in the Penitentiary employed on a Sunday?—By the Rules of our House of Correction, the visiting Justices are empowered to expend £.4 annually in purchasing Bibles and Prayer-books, and any of the books circulated by the Society established for the promoting of Christian Knowledge; these the prisoners are recommended to read upon a Sunday, after they have attended chapel, where prayers are read and a sermon preached once on every sabbath-day. One prisoner has invariably been able to read, in each ward; and those books are pointed out to him, which it is imagined will be most instructive. Candles, for reading in the evening, are supplied out of the Charitable Fund.

Is there any provision for teaching them writing and reading?—There is no provision for teaching them either writing or reading; but many have learned to read, and some to write. It is to be recollected, that our commitments being from 140 to 150 annually, and the average number confined from 26 to 28, the continuance of the greater number is extremely short, and limits the opportunities for such instruction. The Chaplain's salary is by Act of Parliament restricted to the small sum of £.20, which prevents the Justices from requiring more than the bare performance of the service upon a Sunday. He voluntarily gives instruction to the prisoners, but this is quite at his own discretion. The amount of the salary is regulated by the act of the King, c. 64. sect. 12.

The instruction, then, of the prisoners who learn to read and write, is derived from the Chaplain?—Every person connected with our establishment seems disposed to instruct the prisoners, or to conduct in any respect towards their moral amendment; the Chaplain does so occasionally, when his advice appears likely to prove beneficial. The Governor is specially directed to attend to this, as a part of his duty. Instructions of the same kind are given to the Surgeon: and I personally attend myself, seldom less than twice a week, and confer with every prisoner upon all subjects relating to his present or future welfare.

Rev. J. T. Butler.

How many persons usually does the one prisoner read to: and how is that portion of Sunday passed, which is not spent at chapel or in reading?—I do not more than four, there being only five in one class. On the Sunday, the prisoner's friends are not admitted, except during one hour of the day at noon, at which time they may see the prisoners, provided they bring an order in writing from a Justice of Peace for the county for that purpose. Particular cleanliness is enforced among the prisoners, and they have invariably testified a disposition to respect the sabbath: in many instances, the prisoners have been so pleased with the religious and moral tracts placed in their hands, that after receiving such a number of books as could consistently be given, they have applied their own money to the purchase of these tracts; and I have occasionally known twelve shillings so expended in one week.

Do the prisoners in each class pass the Sunday together, or are they separated?—They are not restricted; the whole three rooms are accessible to the five constituting the class: exceptions are made to this, when a prisoner is not registered as orderly, during the preceding week, in which case he continues alone.

Are not the rooms accessible on all days to all the prisoners in the same ward or class?—They are; solitude or separation is used by no merely as an instrument to bring men to a sense of obedience and of duty; the association of prisoners is regulated by this maxim. With a view to exemplify this, Suppose an apprentice to be committed, the Governor according to his instructions learns from the constable who delivers him, as much of his private history as can be obtained; he at first remains in the reception cell for twelve or twenty-four hours, according to circumstances, and before he is carried to his class the Governor enquires into the state of his mind, and the probability of his returning to a sense of his duty; if the prisoner appears callous, he is conducted to a single room in the ward to which he belongs, and continues there, except during the hours of rest, with no other furniture than the county allowance of bread and water, until the influence of solitude has been sufficiently exerted, according to the Governor's opinion. If this be not accomplished in the space of three days, the Governor applies for further instructions to one of the Visiting Justices; and with very obstinate Apprentices, a method of darkening the cell, by a shutter that admits air but excludes light, has been employed. The Surgeon is required to consider all persons in solitude as under his particular attention, and to guard against any injury which the constitution may sustain. The course of proceedings stated with reference to the apprentice, will apply equally to every convicted offender.

Is subsequent occasional misbehaviour punished in the same or any other manner?—In all cases it is punished in the same manner; although work is under some circumstances allowed, particularly in cold weather, or when the crime for which the prisoner is committed, appears to have originated principally in ill-health.

Is there a fire in the solitary cell?—There is not.

Of what materials is the cell constructed?—Of brick. The whole prison is built of brick. The windows of the cells are placed high, and opposite to each window is a ventilating aperture over the door: the cells are 8 feet long, 6 feet wide, and 9 feet high, on the ground story, and 8 feet 6 inches on the chamber story. On the ground floor the windows are glazed; on the chamber floors flues are substituted, with panes of glass in the centers. The cells are all arched, and the inside is whitewashed, but not plastered. It may be stated, that the attention of the Surgeon has been very particularly directed to the state of health enjoyed by the prisoners in these cells: and although in constructing a Lunatic Asylum for our county, the Physicians were generally of opinion that such dimensions could not suffice, yet three of the four Physicians residing in Nottingham afterwards inspected our House of Correction, and admitted that the cells were in every respect sufficient, and that the state of health enjoyed by the prisoners, as appeared from our books, was much better than what is generally enjoyed outside the prison. I should state, that out of near 300 commitments in the last two years, we have not had one death, although it may be supposed that many persons came in with the infirmities of age and disease. Each of the day-rooms and work-rooms are 13 feet square; and the double cells are 13 feet by 8. There seems to have been more space allotted for each individual, under the Penitentiary Act, than is by any means necessary or proper, since to large an allotment occasions a great increase of expenditure, and gives so many cubical feet of air to each cell, that the temperature of the human body is not sufficient for preserving a person sleeping in such a cell comfortably warm.

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No apprehensions respecting any unpleasantness arising from human effluvia need be entertained, in cells of the dimensions above described, since both medical people and persons with the most delicate organs of smelling, have allowed that they could not discover any offensive smell of any kind in any of the cells of our house. The bedding of the prisoners is a sickling case containing straw, with a pair of coarse sheets, as many blankets as the prisoner requires, and a coverlet; these are placed upon a cast-iron bedstead, supported with stone pillars, and firmly attached to the ground. Every prisoner on rising is compelled, at the ringing of the first bell, to make his bed; at the ringing of the second bell he proceeds to empty his chamber-pot, returns it under the bed, unlocks the window-shutter, and opens the door to a mark which is made for his direction; and in this state the cell is continued during the whole of the day. The chamber-pots are emptied into urinals which are in the water-closets, and those water-closets are under the stairs and open into the yard without any internal communication; they are of a simple though particular construction, which has been found excellently adapted to answer the purpose, and can scarcely be put out of order.

Have you any peculiar mode of fastening the doors of the cells, the doors of the ward, and the outer door of the prison?—The doors of the cells are secured with padlocks, which are very bad fastenings, since they occupy so much of the Turnkey's time in unbolting them. The apartments on the ground floor have locks with tumblers on a particular improved construction, pursuant to my own direction; and which, in my opinion, cannot be picked. The outer-door lock is constructed upon the same principle, and by a peculiar provision here first introduced, can at any time be so locked by the Turnkey, that if his own key be taken from him, it would not open the lock; this is done by an overlock, which in the ordinary government of the prison is never used, except during the hours of night, when the Governor, by this means, invariably places the prison-doors solely under his own control.

What is the height of the external walls?—The external walls are 17 feet high, built in a particular manner, without buttresses, with six courses of loose chequered bricks upon the top. The whole prison, fitted up with every contingency, cost £6,000, in the year 1807.

Are the friends of the prisoners allowed to visit them, and when and where do they see them?—I have before stated the regulation with respect to Sundays: on other days, no person, except the officers, is permitted to enter the prison without an order in writing from a Justice of the Peace for the county; on presenting that, if the prisoner be orderly, any of his friends are permitted to see him. Unless it be otherwise specified in this order, the friends stand upon a pavement surrounding the Governor's house, and the prisoner comes to the iron rails of his court; the Turnkey walking, during the whole time, between them, so as to preserve a distance of five feet between the prisoner and his friend.

Is the rule the same in this respect for the convicted and unconvicted prisoner?—We seldom deviate from this rule in favour of a convicted prisoner; but to unconvicted prisoners we invariably intimate, that there is no reasonable indulgence, in this respect or in any other, that will be withheld from them. Our sole principle, with respect to the confinement of unconvicted prisoners, tends to their safe custody and health.

By whom are the officers appointed?—All, without exception, by the Justices in Session.

Have you any opportunity of knowing whether persons who have been confined in the Southwell House of Correction have been reformed, in consequence of their confinement?—In all instances that have come to my knowledge, the prisoners have been reformed. The general opinion of the county on this subject is evinced by the increased number of prisoners, which in our former House of Correction was upon the average twelve or fifteen, and which in this has never upon the yearly average been less than twenty-six. I will take the names of the two persons who have been accidentally selected to exemplify the mode of dividing the profits of our labour, and give you their history as an exemplification. T*** B*** is stated to have been committed for stealing two hay-forks, and sentenced to two years imprisonment; but soon after in large quantities was found in his house, and as a gang of sheep-stealers were at that time committing extensive depredations in Nottinghamshire, he received the sentence stated. While he was in prison, he owned that he was one of this gang. By the produce of his labour in the prison, he remitted from time to time very large sums to his family; he continued his name on the books of a Friendly Society; he carried money with him out of the prison; and I have ascertained from very good authority,

Rev. J. T. Barker. rity, that since the expiration of his confinement he has continued to support his wife and children by his manual labour, and has not been charged with any offence. W** G** was a receiver of stolen goods: he supported his family, consisting of three children, by his labour in the pelfon; he married when he was discharged, and took with him more than £.50 in his pocket; he now exercises the business of a master shoemaker, and whenever a shoemaker is confined, he invariably supplies him with work. That he is a reformed man, I have the means of ascertaining, because his wife is a Southwell woman, and lived once as a servant in my own family. Other instances of similar reformation I could state; and I could mention some who are now prisoners, whom I imagine to be reclaimed. One man, C** H**, a butcher, condemned to die for horse-stealing, has been imprisoned during eighteen months, in which period he has learned the trade of a frame-work knitter, and is apparently reformed. I could give other instances of similar reformation: indeed I know of no instances in which persons leaving this prison after a long confinement have not evinced a disposition apparently sincere, and always accompanied by professions of amendment. We treat mankind as consolidated of habits, and our principle is to eradicate those which are bad, and to implant others that are better. With this intent, we frequently receive a man filthy, diseased, drunken, idle and profane; and that man in a short time becomes clean, sober, healthy, diligent, and to all appearances a good moral man: by which I mean to imply, that he does not swear, nor behave intemperately during the hours of devotion, nor invade the little property of his fellow prisoner, or quarrel with him, or do any act unbecoming a man of sound principles. The great difficulty, with which reformed prisoners have to contend, is the objection of individuals to employ them: this we surmount in a great degree, by certifying their amendment, and recommending persons to receive them into their employment.

In consequence of that certificate of recommendation, have persons been frequently employed?—They generally have: the exceptions have chiefly been females. But discharged felons are not usually hired under the same circumstances as other persons, since the contract is, in most instances, made under conditions which prevent the party from gaining a settlement.

Do you know of any instances of penitentiary prisoners having returned to their former bad habits, after having been confined in the House?—I know of none.

Have you in general lost sight of them soon after their discharge, or have you kept them so far within your view or your knowledge, as to enable you to know how they went on?—In many instances I have been enabled to ascertain their future conduct; in others they have evaded my observation. I necessarily speak to those only whom I have been able to trace. Out of the first five felons upon the list in my head, I can account for four, who are now maintaining their families creditably in the county of Nottingham.

Are the visiting Magistrates or the Sessions in the habit of receiving any certificate, from the masters by whom those persons may be employed, of their behaviour?—They are not; there being no clause in any Act with which I am acquainted, to allow house of correction prisoners any remuneration for good behaviour, subsequent to their discharge.

Do you think that men are more likely to be reformed by confining them in small classes, than by keeping them in strict solitary confinement?—We, as I have stated, apply solitude under mitigated conditions, more to bring a man to a sense of his duty, than to effect any actual reformation. As soon as he becomes tractable and submissive, we permit him, and endeavour to induce him, to live within the prison, in every respect, as he ought to live in society.

State how you conceive the enlarged number of commitments to this House of Correction to be a proof of the good opinion of the country of the success of this Establishment?—Because formerly masters requested the Justices to admonish their apprentices and servants, and to abstain from committing them, having a hesitation about receiving them after they had been confined in our former House of Correction; but now they request the Magistrate to commit, under an opinion that our House of Correction tends to the reformation of the party.

The observation, then, applies to the enlarged number of servants or apprentices committed?—Of course.

Do the Magistrates order money to be given at any time to prisoners, on their release, who may be without the immediate means of subsistence?—Generally, the prisoners are enabled, by their labour, to carry out a sufficiency of money. When this is not the case, we relieve them out of the Charitable Fund; and the visiting

Justices

Justices have occasionally advanced sums not exceeding five shillings out of the county purse, though perhaps not legally authorized to do so.

Do you not believe that the felons in the country, on which your experiment has been tried, are of a less hardened and daring description than those convicted of similar offences in the Metropolis?—In directing my attention to criminal offenders, I have generally found that the numbers are increased in proportion to the mass of population, and that offenders in large towns form themselves into gangs, so that each by stimulating the other, induces a hardness of disposition certainly much less favourable for reformation.

Do you think that the system pursued in the Southwell House of Correction, would be applicable to offenders of the more daring hardened class which you have been last describing?—I know of no means for reforming criminals, excepting those which I have stated; our principle is to make every man industrious; to allow them necessarily nothing more than bread and water, and to give all other sustenance in proportion to their personal exertions and good conduct. Although every man is capable of being reformed, yet the propensities of some to vice are so deeply rooted, and their aversion to labour so invincible, that neither the influence of moral instruction nor of habits, could enable us to let them look again upon society, with any prospect of sure and permanent reformation. I believe the great obstacle to reform is a free communication with their old companions, and the solicitations which are presented to them by their former associates, after their release: so that in some instances, I do not imagine any resource to be left, except removing a man effectually from the country, by transportation.

Could the system, pursued at the House of Correction at Southwell, or any other system of a similar nature, be effectually carried on, without the constant and zealous superintendence and vision of Magistrates, or other Gentlemen authorized for that purpose?—The operation of punishment and instruction upon the human mind is so various in different persons, and the rights of prisoners are so imperfectly defined, and the wrongs to which they may be exposed are so numerous, that I do not imagine it possible to conduct any such system, without the superintendence of persons zealously disposed to promote the moral and temporal interests of the prisoners.

Do you think the establishment of a National Penitentiary advisable; or do you think it desirable that measures should be taken for extending or carrying into more complete effect the system of penitentiary confinement, now imperfectly pursued in different counties?—The establishment of a National Penitentiary is, in my judgment, exposed to a multiplicity of objections. It imposes upon the public an expense for the conveyance of the criminal, equal to the cost of his maintenance during a very considerable period. It detaches the convict so effectually from his family, that it extinguishes those affections which would otherwise be excited by occasional interviews with his near relations, and destroys his inclination to revisit his friends on his discharge, as well as the disposition of his friends to receive him. It increases the difficulty of selecting a situation calculated to furnish a single employment for the prisoners from the manufacturers in the neighbourhood; and it may endanger the security of those residing near the prison, by the number of criminals periodically released. Yet arrangements might be concerted, in conformity with which it seems highly desirable that measures should be taken, for extending and carrying into more complete effect the Penitentiary system. Desperate and irreclaimable convicts must still be transported; but the condition of criminals would be far more degraded and deplorable than it is, if all persons once guilty of felony were of this description. Idleness or indigence, irresolution or intemperance, may for a while suspend the influence of honest principles; a man may become a petty thief; he may proceed further, and, by stealing a sheep, incur the forfeiture of his life; yet surely it will be universally admitted, that many such criminals are capable of being reformed by mitigated solitude and long continued habits of secluded industry, accompanied with seasons of admonition and religious instruction; and that the reflections thus suggested, and the discipline thus enforced, may ultimately produce the effect of sincere and lasting moral amendment. For the reception of such criminals, I would beg leave to recommend District Penitentiary Houses, of which one or two might according to circumstances be provided in every circuit. The Penitentiary House for Middlesex alone would be found quite as large as could be desired for a single house. If this were in the first instance completed and used as a National Penitentiary until others can be provided, an opportunity would be afforded to ascertain the expediency of the system; so that if this mode of imprisonment

Rev. J. T. Barber. *Forment* were upon experiment disapproved, the Penitentiary would still serve for the custody of female convicts, who are at present very insufficiently accommodated at Newgate. The obstacles which have hitherto obstructed the Penitentiary Laws, are not any doubts respecting their utility, but the difficulties of carrying them into execution without imposing upon the land occupiers a burden, to which they scarcely seem liable; since, by adopting the provisions of the Penitentiary Acts, the counties would be subjected to the heavy expence of providing prisons and maintenance for convicts who are now supported at the national expence. Government, I am aware, grants the sum of two shillings and sixpence weekly for every criminal sentenced to transportation, during his continuance under the care of the county; but this allowance is not by any means an adequate compensation. To surmount these obstacles, Penitentiaries, wherever situated, should, as I conceive, be constructed and supported by Government, and each county, providing for its own convicts, according to the system of regulations which may be hereafter prescribed by Parliament, ought to receive a sum at the conclusion of every year equal to what may be found the average expence of each prisoner in the District Penitentiary. Any plan that could be devised for attempting the reformation of criminals would, I am fully convinced, receive the support of every person accustomed to reflect upon this subject. Many Magistrates of high rank and acknowledged intelligence have, on visiting the House of Correction at Southwell, determined to improve the constitution and the discipline of the prisons under their own jurisdiction. New prisons have in consequence been erected in some instances; in others, our regulations have been adopted as far as circumstances would allow. Indeed I can affirm, that no person distinguished by his benevolence or his discernment has ever surveyed our House of Correction, without expressing an earnest desire of having a similar improvement effected in this important branch of national police.

Could a Penitentiary House, in your opinion, be conducted with advantage on the principle of the proposed contract between the Treasury and Mr. Bentham?—With the utmost deference to the opinion of others, I must observe, that in my humble opinion, a Penitentiary House could not be conducted with advantage on the principle of the proposed contract between the Treasury and Mr. Bentham. In truth, the scheme seems to me inconsistent with what I have always interpreted to be the spirit of the legislature on this subject. Mr. Bentham, or such person as may be recommended by him, and approved by the King, is, for a limited period, to possess the almost exclusive control of 1000 convicts, and to appoint without restriction the Chaplain and every officer connected with the establishment. He is, I acknowledge, compellable to give an account, and to answer, upon examination in the Court of King's Bench, any questions relating to the institution; but though his intentions may be upright, his information may be incorrect; his prejudices may obscure his judgment; and prisoners may sustain what we should term wrongs, though their Governor may deem them necessary consequences attending to his system. Such an authority appears to me more than should be confided even to the best of men, though intrusted with the management of the work. That principle of inspection, so frequently founded in our ears by Mr. Bentham, should pervade not merely the fabric, which is a matter of secondary consideration, but the whole institution; and visitors of high rank and consideration, actuated solely by the pure emotions of commiseration towards those who have fallen, though it is hoped not irrecoverably, should be prevailed upon to undertake the duties of general superintendence, to prevent the Governor from the exercise of imaginary rights or undefined privileges, to encourage the prisoner by the consciousness of having his progressive amendment witnessed and rewarded, and to deter him by the apprehension of having the protection of his patrons withdrawn in case of misconduct. In the Nottinghamshire House of Correction, our establishment is conducted by regulations directly the reverse. The general control, and the appointment of the Visitors and Officers, is lodged in the Quarter Sessions. Though the visitors in case of emergencies are empowered to make occasional arrangements, subject to the approval of the Court, they are bound to examine from time to time the conduct of the officers and prisoners, and to report quarterly all instances of merit or misbehaviour. The Governor exercises authority over every person within the walls, subject to the superintendence of the Visiting Justices: he is required to present at every sessions a calendar, containing, among other particulars, remarks upon the behaviour of every person in custody; as well as the work-book, specifying the weekly account of each prisoner's labour and conduct; he is compelled to register every punishment; and in abstract of the annual accounts, which are

are closed at Millhammer in every year, is printed and circulated. The Chaplain is required to state his attendance in writing, and all observations that may in his estimation conduce to the moral or temporal interests of the prisoners. The Surgeon is obliged to enter in his book the date of every visit, and the diet or treatment prescribed for each of his patients. All these officers have a power of appeal against any act of the visitors to the Court of Sessions; and even the Turnkey is aware that he does not hold his situation at the discretion of the Governor, but claims the advantage of a reference, in all cases to the visitors. The rules are read quarterly in Chapel. A copy of them is given for the prisoners in every ward; and those of principal importance are extracted, and hung up publicly in their day-rooms. Our Bye-Laws supersede the discretion of the persons who govern; and since they are never infringed by those who enforce them, they are cheerfully observed by those who are bound to obey them. The precise knowledge of the laws, by which any prisoner is to be governed, appears to be a privilege that should not be withheld even from the convicted criminal. Fully impressed, as I have ever been, with these notions; and circumstanced as I have been in my endeavours to prevent the abuse of power, the delegation of an authority similar to that which is proposed in the agreement between Mr. Bentham and the Lords of the Treasury, cannot be reconciled either with my practice or my principles. But if we consider the question merely as a matter of public emolument, I think I shall be competent to show, that no advantage can arise from the contract with Mr. Bentham, which may not be secured, with equal certainty and more advantage, by pursuing a different system. Of this I will endeavour to give a concise explanation. As far as the buildings are concerned with this question, it will at present be sufficient to remark, that the sum of £.31,000, to be paid by Government, appears an adequate compensation for the expenditure incurred in the construction of the Panopticon. Without dwelling, therefore, upon this point, we find that, in the year 1793, the sum of £.12 was to be paid annually for the maintenance and management of every convict, on the conditions detailed in the articles of agreement. But in consideration of the advanced allowance granted to the contractors on the Hulk plan, an increase of £.1. 10. 5. was claimed in the year 1798, upon the original sum of £.12, making £.13. 10. 5. which, from the present prices of provisions, would probably require a still further addition, to preserve the original intension of the contracting parties, which was to allow for each convict 25 per cent. less than what was expended at the Hulks. To evince that such an agreement does not promise any pecuniary advantages to Government, it may be observed, that the average annual cost of each prisoner in the Northampton House of Correction, computed according to the last quarter, amounts only to £.8. 7. 11. and upon an average of the last two years, to the sum of £.9. 5. 5½, which, from accidental circumstances, is higher than may again be expected. These charges include every contingency, except the salaries of the Governor, Chaplain and Turnkey, which I denominate the Establishment, and omit, because the same officers would suffice for more than twice the number of prisoners. But suppose the Governor, Chaplain, and Surgeon of the Penitentiary to receive the same salaries as at Newgate, and allowing for a Secretary, with a suitable number of Turnkeys and Taskmasters, the yearly expence of such an establishment, apportioned among 1000 prisoners, will be only £.1. 15. which makes £.10. 2. 11. if added to £.8. 7. 11. and £.11. 0. 5½, if added to £.9. 5. 5½, although the prisoner's share of the profits, under our system, is more than usually liberal. Besides this, it is manifest that Penitentiary convicts, under judicious regulations, can scarcely fail to earn proportionally more than can be derived from the employment of those who are subjected to short periods of imprisonment. So that, as far as any observations extend, the agreement between the Treasury and Mr. Bentham does not, in any point of view, appear either advantageous or eligible; although I am bound to acknowledge, that many of the facts upon which my arguments are founded, had not been ascertained in any part of the kingdom, at the time when the project of Mr. Bentham was submitted to Government.

Do you think Mr. Bentham's plan of a Panopticon particularly well adapted for a Penitentiary House?—I do not think Mr. Bentham's plan for a Panopticon by any means adapted for a Penitentiary House. The name, and the explanatory treatise detailing its imaginary advantages, might induce many to believe, that inspection had not engaged the attention of prison-architects; such an intimation will, however, be found erroneous. La Maison de Force, at Ghent, of which a plate is given in the

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Rev. J. T. Barber. first volume of Howard's Works, consists of an octagon, surrounded by a polygon of the same shape; and as the guards' houses occupy the central figure, they necessarily command a very complete view of the airing grounds and the prison, so as to prevent escapes. In the goal of Ipswich, built by Blackburn, the keeper's apartments possess a very full inspection over the courts and the wings. In the goal at Hereford, which was designed by the same ingenious architect, the Governor, from the octagonal hall in the centre, overlooks every yard through the windows, and enters every ward through the doors of communication. This kind of inspection was deemed sufficient by Judge Blackstone, Dr. Fothergill, and Mr. Howard, who did not deduce their conclusions from theoretical speculations, but from reflections upon the salutary discipline which Mr. Howard *law* actually enforced in the Verbeter Huizen or Bettering Houses on the Continent, where the numerous prisoners were diligently and usefully employed in a state of strict subordination and apparent moral amendment. The result of the extensive enquiries and observations made by those great and good men, who suggested the Penitentiary Act, terminated in a confirmed opinion, that every prisoner should work in a different room from that in which he slept; and that all convicts, except those in the infirmaries, should, during their hours of rest, be kept separate and apart from each other. The superintendence of the Taskmaster was imagined to be a sufficient security for diligence; especially when combined with that portion of the profits allowed to every prisoner, and with the rewards that were to be distributed for the encouragement of industry and reformation. As to security, it was to have been effected by removing the convict during the night, at a distance from his implements of labour to a single cell, where, secluded from human intercourse, it was hoped, that in the progress of a long and rigid confinement, the criminal might be awakened and impelled to the duty of penitent meditation. The expense of constructing a suitable building for 500 prisoners was to have been £.120,000.; and the amount of this sum is one among the many objections urged by Mr. Bentham. He certainly economizes the cost of fabric, but he attains his purpose on this, as well as almost every other occasion, by violating every principle which his indefatigable predecessors had established. His prisoners are to be dieted, lodged, and employed in the same apartments, which is to be a "double cell for two prisoners, at least, in company; to admit of three, and even in cases of necessity, four." (Panopticon Postscript, p. 22.) These cells are to be about 13 feet square, and each of them is to be provided with a place within its connected limits, where all the offices of nature are to be performed. The front of the cells is to be grated with iron; which provision Blackburn confined to his doors; and this open front is pronounced sufficient for ventilation, in opposition to the prevailing opinion, that perfusion, by a current of air passing directly through every apartment, is for these purposes indispensable. There are to be six stories of cells for the imprisonment and reformation of 1,000 criminals. Airing grounds to be used on working days, are not deemed essential to the Establishment, (Panopticon Postscript, p. 144.); but airing wheels are to be substituted; which invention was originally suggested by the Penitentiary Act, as a punishment for a particular class of convicts. To convey an adequate representation of a Panopticon Penitentiary, we may suppose a watch tower encircled by an external gallery, and surrounded at a small distance with six rows of cages, nearly similar to those used for the restraining wild beasts. Let the whole be connected under the same roof, with a sky-light over the area, and we shall have a Panopticon. Occupy these cages with 1,000 convicts, and the whole will exhibit an assemblage of human beings with the same ferocious dispositions, the same offensive exhalations, and the same degrading propensities, that characterize the brute creation. It must not however be imagined, that I feel surprised at the impressions made by Mr. Bentham's proposals. The specious tendency of his professions, and the promised reduction of the expense incurred by the maintenance of convicts at the Hulks, were sufficient to attract the attention of those who direct the expenditure of the public money. Indeed, as the science of prison architecture has not been developed in any publication, I am not aware how those, who had not dedicated their attention to the subject, could controvert the opinions of Mr. Bentham, or detect their fallacy, unless some, who contended for the system dictated by the Penitentiary Act, had been examined upon the opposite side of the question. It has been stated, that the expense of Blackburn's plan for a Penitentiary for 960 prisoners, was to have cost £.120,000. But while Mr. Bentham proposes to accommodate 1,000 prisoners for £.51,000. a little explanation will evince the manner in which this apparent economy is produced. Take from Mr. Blackburn's plan all the day rooms and work-

ROOMS

rooms, as well as every other partition, by slotting one cell for every two prisoners, and we shall reduce the amount to £160,000. Transfer the privies into the cells, omit the baths, the airing grounds, and the garden; and place under the same roof six stories instead of three, by which you will save one half the covering; having done this, you will rescue the name of Blackburn and his patients from deserved imputation on this head, by diminishing this £160,000. to the sum of £130,000. Indeed I find, from examining the estimates upon which the contractors undertook to execute our Nottinghamshire House of Correction, that a ward two stories high, for 10 prisoners, with the airing grounds and a proportionate part of the Governor's house, cost, for each person, £144. 9. But one of the Commissioners informs me, that he will, upon Mr. Bentham's principles, undertake to accommodate 65 prisoners in the same ward, at the rate of £45. 6. for each convict; which is the most satisfactory testimony that can be adduced, in elucidation of my arguments. Time and experience have unquestionably discovered means for conducting profitable labour, which did not occur to Mr. Howard or his contemporaries. The failure of some attempts, and the success of others, may have improved our knowledge upon this subject, but the fundamental principles laid down in the Penitentiary Act, appear to me incontrovertible.

Could a Penitentiary House be carried on, without expence to the Establishment, in parts of the country where there does not exist a staple manufacture?—I think that in every circuit some place furnishing a staple manufacture might be found, which is one of my reasons for recommending District Penitentiaries. But should there ever become National Establishments, Government could always supply a staple employment: to name only one instance, the whole process of preparing flax and making it into full-cloth, would occupy constantly the prisoners in any Penitentiary. But this does not coincide strictly with my system, which provides labour without requiring any capital, or involving the Establishment in any commercial engagements.

Lawe, 13th die Martii, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Sir George Chesbrough Paul, Bart. again called in, and Examined.

WHAT is your opinion of the Act of the 19th Geo. 3. c. 74. directing National Penitentiary Houses to be provided; and inform the Committee if any proceedings have taken place in the county of Gloucester, in consequence of this Act?—The first idea of contrivelling National Penitentiary Houses was suggested by the loss of the American Colonies as a place of transportation for criminal offences. This circumstance I consider as marking the purpose of the system of imprisonment then in the contemplation of the Legislature. The Act of the 19th Geo. 3. although lightly treated, not to say ridiculed, by a late Commentator, in a work lying on your table, was the result of the united labours of the most profound lawyer and the most distinguished philanthropists of the time in which it passed. By this Act was first created a legal system of punishment, by mode of confinement—by labour and a modified seclusion; a system of penal imprisonment, as a substitute (at the will of the Crown) for punishment by death and transportation. A few years after the passing of this Act, the gentlemen of Gloucestershire determined to undertake a reform in the mode of imprisonment in that county, and, as the provisions of the Penitentiary Act had (from certain political causes of the day) been allowed to fall into an hopeless neglect, application was made to Parliament in 1785, and a special Act for the County was obtained, into which the principle of this statutory statute was introduced, and modified in such manner as to be applicable to the police of a single county. Previous to the opening of the Penitentiary House, which was built in consequence of this Law, a code of Rules and Bye-laws was formed for its regulation and government; in conformity to this Code, the Penitentiary House for the county of Gloucester has hitherto been governed. After an experience of eighteen years, I undertook to enter upon a detailed enquiry into the administration and practical effects of the system which had been thus established. The result of this enquiry was given in a Report to the Magistrates of the county, specially convened for the purpose of receiving it. And this Report lies on your table. The Registers and Journals, containing

*Sir G. C. Paul,
Bart.*

Sir G. O. Paul,
Bart.

taining records of the daily occurrences from the beginning, are ready to be produced, if required, for the more particular information of the Committee. At the request of the Magistracy, I revised the original Rules and Bye-laws, and introduced such alterations as experience and observation suggested. In this revised state I recommended them to the Bench of Magistrates of the County; but it was not until this code, and every clause in it, had undergone an investigation and correction at three several Quarter Sessions (at which a right honourable Member of this Committee presided, and took an important part) that I ventured to give it the general recommendation, which I have since confidently ventured to do. Under the same respectable sanction, I now have the honour to offer a copy to the Committee, in a form directly applicable to the question now submitted to me. It will be seen, that in the VIth Rule for discipline of the Penitentiary prisoners, I have expunged that part which directs the shaving the head of the criminal on his admission. I have done so in deference to certain doubts on the constructive import of the 37th sect. of 19 Geo. 3. which have been entertained by the Judge to whom these Rules have lately been officially presented for confirmation. But at the same time I beg the Committee will allow me to state, in justification of my Rules as recommended, that I consider the shaving the head as an important regulation. First, because it infallibly cleanses the most filthy part of the person, and is the only means of preventing the introduction of vermin to the bedding. Secondly, because it changes the ordinary appearance of the person, and goes far towards preventing prisoners being recognized, on their return to society, by those strangers who are daily admitted to a distant view of them when walking in the yards. And, Thirdly, because so far as the shaving of the head is a mortification to the offender, it becomes "a punishment directed to the mind," and is (at least so I have conceived) an allowable alternative for indistinct corporal punishments, intended to be excluded from this system.

As the extensive adoption of the Penitentiary system in the County of Gloucester has afforded you the means of ascertaining by experience the advantages or disadvantages of that system; state to the Committee your opinion of the nature of the benefit that may be expected to result from a more enlarged system of Penitentiary Houses for the use of the Kingdom; state also, what particular means you should recommend to be adopted, as most likely, in your judgment, to answer the object which the legislature had in view; and more particularly, your opinion is required as to the efficacy of the Panopticon system, compared with the original design approved by Parliament I—I have stated to the Committee, that the Act of 19 Geo. 3. first ordained the system of penal imprisonment, ready to be applied (in cases deserving the Royal mercy) as a substitute for punishment by death, and transportation. I certainly think it would be of great use to proceed to carry the purposes of the Penitentiary Act into effect, so far as to provide and establish places of confinement for convicted felons, distinct from prisoners of every other description; but it appears to me to be a question admitting of great doubt, whether the places of confinement to be provided should be *National* prisons, to receive certain portions "of offenders from the several circuits of England," as directed by the 26th section of the 19th Geo. 3. I request the Committee to contemplate, *First*, The consequences of bringing a number of offenders from the most remote parts of England, to pass a certain term of imprisonment, and then to be discharged in or near the Metropolis; this feature of the measure alone, appears to be pregnant with mischief so important, as not to be balanced by any opposite consideration as yet suggested to me. *Secondly*, If a benefit from this measure is not proved, then the expense of it should be considered; whilst, as only a part of this class of offenders are to be taken from the provincial prisons, the necessity of providing the "proper places," the "employment," and the "due regulation," at home, for the remainder, will still continue the same inconvenience, at present complained of by the counties. *Thirdly*, I say that a thousand felon convicts are far too many to be collected together under one roof, in any place, with a view to reformation; but, that the collecting such a number in *one establishment, in the Metropolis*, must be attended with highly aggravated danger. It seems to me to be reasonable, that every county should be compelled to provide for such of its own offenders, at home, as are not sentenced or intended to be sent to banishment. On its own inhabitants should fall the consequences, if any, of neglecting to render this species of punishment the means of reformation. I know that economy is the watchword, and the expense the bugbear, which terrifies the counties from undertaking, effectually, to fulfil the purposes of the law.

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Yet I could show, that in few counties is there a want of any additional prison room ; no more is requisite than an attention to the legal discrimination, and a distinct appropriation of the prisons they possess. If in the Act of the 19th Geo. 3. the 26th section is pregnant with the consequence of feeding the Metropolis with a regular annual supply of accomplished thieves, the 27th section is not less inimical to all the preventive purposes of provincial prison police. It is unfortunately therein enacted, that "until certificates shall be made of the completion of the then intended National Buildings, it should be lawful for the Courts of Assize and Quarter Sessions to order and adjudge the like number of offenders (as limited by the 26th clause) to be imprisoned and kept to hard labour for their several terms in their respective houses of correction, or other proper places within each respective county ; which houses of correction shall, during such time (that is, waiting the providing of national houses) be deemed and esteemed to be penitentiary houses to all intents and purposes within the meaning of this Act." But preparatory to this application of houses of correction, it was the intention, and in fact the *hyphenation* of the law, that the Justices of the Peace for every county should immediately (namely, at the Midsummer Sessions 1789) "give directions for the temporary reception, safe custody, employment and due regulation of such offenders." Now, Sir, what have the counties of England in general done under this clause ; why, no other than might be expected, as a consequence of a loose mode of legislating, which left a view of economy open, to be followed at a risk of the failure of the substitutive purpose. This temporary reception (*during the time the National Houses were building*) has continued 32 years ; and, during this time, felon convicts sentenced to punishment by imprisonment and labour (the objects of the provisions of the Penitentiary Act) have been in some counties turned into houses of correction, and in others the Sheriff's gaols have been applied to the like purposes. In some instances, I know that the Sheriff's prisoners, as well as the ordinary Bridewell culprits, are subject to rules and regulations, which were designed, by Law, as an alternative for death or transportation ; and in others (certainly a preferable reverse), the felon convicts enjoy all the privileges which the law considers as the right of men detained only on suspicion. These offenders are, in the one view of such proceedings, so confined, to the confounding of all distinctions in the scale of turpitude ; in the other, to the not less confounding the Magistrate's with the Sheriff's custody. . . . As to the particular mode in which the Penitentiary Act should be carried into execution, more particularly as to the comparative merits or preference of the Panopticon system to the original plans drawn by Mr. Blackburn, I am no ways prepared to give an opinion deserving the attention of the Committee. It is only since I have been desired to appear before this Committee, that I have seen the designs of the Panopticon, or heard of the partly effected purpose of former Ministers. Acquainted as I was with the views of the respectable Authors of the penitentiary system, and with the Architect who received the Parliamentary reward for his ingenuity in making the designs for carrying it into execution, it was natural that, when I undertook to modify the purpose of this law to the application of a single county, I should adopt the means which had already been so approved and sanctioned. The Design for Gloucester was drawn in conformity to the plans of the National Houses, which plans are probably now in the hands of the Secretary of State. A like imitation was introduced into the plans of the vast variety of prisons which were afterwards designed by the same Mr. Blackburn. Since this gentleman's death, it seems to have been the endeavour of the architects employed in England, rather to imitate than to improve his designs. It is impossible (after 25 years experience of a new system) but that some errors must appear ; the original design must be open to much improvement. My ideas regarding specific alterations of the Gloucestershire Act, and plan of structure, I shall venture to communicate, when required ; because I could give them with a confidence which the continued contemplation of the object has established. But far otherwise with respect to the Panopticon design. I cannot fairly judge between a favourite child of my own nursery, and an untried theory of an ingenious and inventive imagination, placed before me but yesterday. The design of the Panopticon was original in Mr. Bentham ; it produces much advantage in point of inspection, but there its chief preference ends. I have lately seen a prison built in conformity to the Panopticon design, at Edinburgh ; in point of inspection it succeeds, and the scene captivates the fancy ; but taking all the effects of the circular form together, I should not be induced to give up the ordinary design for it. This prison (I mean the prison of Edinburgh) possesses the more certain

Sir G. O. Paul,
Bart.

certain advantage of good management. I think the form of a prison is not of such important consequence as is usually attached to it. If the government of a prison which is most disadvantageously planned, be fixed by a system of rules (excluding arbitrary discretion), and if the administration be superintended and controlled by Magistrates who have made themselves acquainted with the effects intended to be produced by the rules; *in such a prison*, the purposes of a reformatory imprisonment will be more surely attained than in the most advantageously constructed prison where regulation and control are not present. And, generally, I have observed, that what is gained in facility of inspection, is lost in the power of separation, effective to sedition. But, Sir, in the present case, the point of form and shape of building is really reduced to nothing in importance; when we have perfected to us the proposed system of management, with a contract to execute what is so boldly proposed—a contract to insure not only the natural, but the moral good effects. The measure is without an instance, and the proposal without a parallel; enquiry, therefore, must be unavailing to inform us. The contract proposed in the Report on your table, must either be executed from confidence in the individual, or rejected from general doubt.

Whether you think the circumstance, of the people sleeping and working in the same room materially objectionable?—Extremely objectionable; it has always been held so by us. It was one of the original principles, that “no man should sleep in the same room in which he should work in the day.”

Is your objection founded upon the consideration of their health, or their security?—On both; we think it creating insecurity to let a man continue during the day secluded in a cell, where he may prepare means of escape, to put in execution during the night. With respect to health, we think the removal important, as a change of the air.

Do you consider the practice more objectionable, if more than one person was to inhabit the same cell?—Certainly; the rule in this respect is positive in the county of Gloucester, that “on no account shall two prisoners only be lodged in one cell.”

What do you suppose to be the expense of clothing and maintaining the prisoners in the Gloucester Penitentiary House; and in what proportion does the produce of their labour relieve the county from the burthen of this expense?—In the quarter ending at the last Epiphany Sessions, I find the average cost of the loaf of bread, weighing 1½ lb. (made from wheat which cost 17s. 6d. per bushel of 10 gallons, from which the coarse bran only was taken) was 5d.

Cost of the Bread allowance, - - - per head per week - - -	s. d.
Expense of the extra food, provided according to the Dietary making part of the Regulations on your table - - - per head per week, - - -	2 11
Clothing for male Offenders, say one Jacket, Waistcoat, Trowsers, Flannel Shirt, Linen Shirt, Night Cap, Day Cap, two pair of Shoes, two pair of Stockings, cost per Annum 56 s. - - - per week, - - -	1 0½
Food and Clothing for Males, per head per week, - - - say	6 0

Clothing for females, say one Jacket, Under Petticoat, Upper ditto, pair of Stays, Linen Shift, Flannel Shift, Day Cap, Night Cap, two pair of Shoes, and two pair of Stockings, cost per Annum, 45s. 10d.

Food and Clothing for Female Prisoners, per head per week, - - - say 5s. 9½d.

As the means of voluntary employment for the Sheriff's prisoners of all descriptions are supplied from the funds and stores of the Penitentiary trade, together with the cost of their tools, and risk of sale of the articles manufactured, it is not easy to give the exact amount of the profit or the earnings of the Penitentiary prisoners; but I need not hesitate to say, that the labour of Penitentiary prisoners, taken exclusively, will exceed the cost of their clothing and maintenance, and will probably supply some part of the expense of the Establishment.

Is it in your opinion advisable that the Governor of such an establishment as the Panopticon, who would be invested with an uncontrolled authority, should be contractor for the labour, clothing, and maintenance of the prisoners; and what is the practice at Gloucester, respecting these points?—Such a system of confidence in any individual is in direct contradiction to the views of the distinguished men who first formed the design of penal imprisonment by hard labour. Such a confidence, therefore, is never entered into my head to recommend to the Magistrates of the county of Gloucester. In forming and conducting this experimentary establishment, I acknowledge

ledge that I turned my eye from the popular view of *income* and of *profit* to a *costly rate*, as objects to influence my decision in the choice of means intended to produce that "poundment by mode of confinement," which was to be the "substitute for death or transportation;" yet a system being once adopted with reference to the object in view, it then became an important, though a secondary part of the design, to attain the utmost practical economy in the administration. In proposing a system for general adoption, I will not rest its operation on a dependence upon the ex-ordinary merit of any individual magistrate or man; I will not recommend to Parliament to direct an establishment by law, depending for its success on the dally or even the weekly attention of a visiting justice, to the means of industry and its productive returns. But if, by the assistance of certain books and journals (checking each other) I have ensured an efficient control, with no greater call on the exertions of the visitor than may be given in one day in each quarter of a year, then I think I may recommend such a control as practical. I declare my opinion with confidence, that at least as much attention to the details of manufacture may be relied on in the county of Middlesex, as has ever been exerted in the county of Gloucester. I believe the county of Middlesex will offer better means of employment; and the conductors of such an institution in that county or any other, may depend on not having lost of public encouragement in the sale of the produce of that employment. Having given an opinion in evidence to the Committee, that the Penitentiary establishment in Gloucester has succeeded in its effects beyond the theory imagined by the original projectors of the system, I desire to add, that I believe as much may be done in any other county as has been effected there, without relying for success on any exception to the general character and disposition of the Magistracy of this kingdom. Regarding the economy of consumption, it has been a rule of the Magistrates of Gloucestershire, that neither the food, the clothing, nor other article affecting the prisoner's comfort, should be provided by contract. The Governor himself is not only specifically debarred (by rule) from "having any interest in any bargain or agreement for the feeding or clothing his prisoners," but he is also bound to see that the persons who do supply the articles "shall neither defraud the prisoners nor the county." The Governor is directed to buy the best meat, the best wheat, and other articles of consumption, in the market; for my assurance that he does so, we have not only the occasional observations of the Visitors, the Chaplain, and the Surgeon, but the constant jealous eye of the public. No person gains on the first cost. It is known, to a scrupulous exactness, at the end of a quarter, or even of a year, whether or not every ounce of provision paid for has been applied to the dietary. But here our pretension to control over this economy ends.—I am wholly unacquainted with the respectable Individual to whose discretion and humanity it appears to have been in the immediate contemplation of Parliament to confide the charge of *working, feeding, clothing, guarding, and punishing*, a thousand persons, without a visiting or a superintending control on his authority. As a substitute for a visiting or superintending power (if I have rightly understood the contract) the public is to accept a pecuniary insurance, not only against death or escape, but also against return to vice. The idea is new, but the proposal appears to me satisfactory only to a certain point. I am assured that in case an event shall take place, I shall receive the twenty, the thirty, or the fifty pounds; but the best assurance, that I shall receive money on the event of death, escape, or return to vice, brings no conviction to my mind that men will not die or escape, or that they will not return to their former vicious habits.

Do you consider the obligation, in the 20th Article of the contract, to present a Report in writing to the Judges of the King's Bench, on the first day of each Term, and to submit to answer interrogatories upon oath, as a material control upon the conduct of the Governor of the Panopticon?—It is a control, so far as it goes; but I think it not so satisfactory as personal inspection.

Are there any alterations in the Act for regulating the Penitentiary House for the county of Gloucester, which experience has pointed out as proper to be adopted in a new legislative provision?—I have already observed to the Committee, that the Gloucestershire Act is founded upon, and has reference to, the general Law of the 19 Geo. 3. If therefore this Law should not be renewed, it will be necessary, in any special Act of similar import, to re-enact substantially those powers of the extinguished Act, which are referred to in the 25 Geo. 3. Further in reply to this question, I should observe to the Committee, that the principal powers of the 25 Geo. 3. c. 10, which are not local, have been rendered of general application by an Act of the 31st Geo. 3. c. 46. Although I am of opinion that a separate prison, with penitentiary provisions and regulations, is more necessary to be provided for the

Sir G. O. Poul,
Bart.

city of London and county of Middlesex, than for any other district; yet the same general reasoning on the principle, applies to all other counties. If it should be the will of Parliament to repeal the laws enacting temporary transportation, the numbers of felon convicts to be constantly provided for in prisons, will increase in a ratio not at all foreseen by the advocates for such a measure. I should be disposed to recommend an amendment of the general law, to operate on the whole Kingdom, in the form of a revival of the Statute 31 Geo. 3. c. 46. This law was hastily taken from the 25 Geo. 3. and some useful amendments may be pointed out. The particular alterations which I should recommend to be introduced into a new law for the regulation of a Penitentiary House, will be best understood by referring to the copy of amended Rules for the government of such a prison, now on your table.

Might not a Penitentiary House for the reception of convicts for Middlesex, be so separated, as to admit of females as well as males, under the same roof?—It is unquestionably necessary that a Convict House for females should be effectually separated from that for males; but I see no reason why effectual separation may not take place under the same roof, or at least within the same boundary wall. Within the same building, of a Panopticon plan, it cannot be done without considerable objection.

Does the average number of prisoners in the Gloucester Penitentiary House, who have received sentence of transportation, bear a large proportion to those who have been committed to it as a Penitentiary House?—An answer to this question is given by my answer to a question on the 11th March. From 1792 to 1807, the Convicts for terms, in proportion to Transports sent to the Penitentiary, were as 220 Transports to 434 Terms. The Transports kept till pardoned, were to Convicts for terms of imprisonment, as 52 to 434. Since my report of the 29th July 1807, the number of prisoners confined in the Penitentiary House amounts to 143; of which 99 were committed under sentence of imprisonment for different periods; condemned and relieved on condition of transportation for life, 9; relieved on condition of transportation for seven years, 3; sentenced to transportation for seven years, 30, for fourteen years, 2. Of the convicts who are relieved from death on condition of being transported for life or for fourteen years, few are retained in the Penitentiary House beyond a time convenient for their removal; but of those who are committed under sentence of transportation for seven years, the greater number are retained who indicate a disposition favourable to reformation. But in point of fact, of the last 30 prisoners sentenced to transportation for seven years, 10 only are retained from execution of their sentence.

Have you any further information, in addition to what you have stated on a former day, on the subject of warming the cells?—The prison at Gloucester is constructed upon the principles of admitting air to pass into and through it in straight lines from one extremity to the other. There is no obstruction to a freedom of current, other than as the streams of air passing through the long passage, open at each end, move with the greater velocity, they of necessity carry with them the weaker currents passing into and through the cells at right angles. Every prisoner, when not in the infirmary ward, sleeps in a room containing from 62 to 67 feet of superficial space, built with brick, resting on an arch, and arched over so that no air can enter, but through the openings provided for it. As air is constantly passing immediately under, and round it on every side, it is necessarily dry. It is ventilated by opposite openings near the crown of the arch; so that opening, which is toward the external air, there is a shutter, which the occupant may close at will, but it is so imperfectly fitted, that when closed a considerable portion of air must enter by its sides. The opposite opening to the passage, the prisoner has no means of closing in any degree. During the 20 years these rooms have been inhabited, there have been many winters in which the cold has been intense. As I had considerable apprehensions respecting the effects of this situation in severe weather, I directed the Surgeon to be constant in his attention, and particular in the report of his observations during the inclemency of those seasons; I also made a point frequently to visit the prison, and to examine every prisoner as to the effects which I apprehended; and as much to my surprise as to my satisfaction, notwithstanding the querulous disposition of persons in this situation, I never heard a complaint from old or young, from male or female, of suffering by cold in the night apartments. Fahrenheit's Thermometer has never been observed to be below 33 degrees in the severest nights in the middle region of a cell in which a prisoner was sleeping. And further, it is the decided opinion of the respectable Physicians who have most liberally undertaken to superintend the health of this prison, that no ill consequences have arisen from prisoners sleeping in the situation above described. I contend, therefore, that it is a fact established by experience, that

that in a room containing not more than 500 to 600 cubical feet of air, in which there is no fire, the body of a person, sleeping under a proper allowance of woollen bed-clothes, will so far warm the atmosphere around him, or, to speak more conformably to modern doctrine, so little of the heat generated in the body will be carried off by the surrounding air, that he will not suffer by a current passing at a distance over him, provided the apartment be secured from damp. Prisoners, on their rising in a morning, are removed into small working rooms, situated on the ground floor; these day apartments are in like manner constructed with cross openings near the ceiling or crown of the arch. But there was for the first years that this prison was opened, in each room an open fireplace. Respecting these apartments, my observations tend to confirm Count Rumford's objection to open fires, and his preference to close stoves; nay, further, I think that openings for free ventilation are incompatible with strong fires in open fireplaces; the air which in the same room, without an open fireplace, would pass inwards by one opening, and outwards by the other, being attracted by the fire to supply the constant rarefaction in the chimney, passes inwards from both openings towards the fireplace, and the body of a person placed before the fire in the current of the air is exposed to the danger of a partial chill. In consequence of these observations, the open fireplaces have been closed, and the day cells are now warmed either by flues under ground, in the nature of hot-house flues, or by pipes (heated by stoves) passing through them.

Sir G. O. Poul,
Bart.

Veneris, 22^a die Martii, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Mr. John Addisley Newman called in, and Examined.

M^r. Newman.

YOU are Keeper of the prison of Newgate?—Yes.

How long have you been so?—From Michaelmas 1804.

How many criminal prisoners will Newgate conveniently contain in the whole?—I think about 320; but it is capable of containing about 460 in the whole.

How is the Criminal part of Newgate divided?—It is divided into two yards for common side prisoners; one yard for men. The next superior class, which is called the Master's side, for men. And there is another, which they themselves have called the State side, for the better sort still. In the first yard, which is called the Chapel Yard, there are five wards or rooms; they are small wards, and capable of containing about 12 persons each.

Are they for night or day?—The prisoners sleep in the wards by night, and have access to the yards by day.

How many stories are these five wards distributed into?—Three floors; the wards are two and two, and one.

Do the prisoners sleep on the ground floor as well as the others?—Yes.

How are the wards lighted?—The windows are iron-barred, and there are wooden frames, which are papered with greased paper, so as to admit light and exclude air. The windows open inwards into the rooms. The general plan of all the prison is, that all the rooms are about 15 feet wide; they differ in length. The size of the yard is about 40 feet by 25.

Is there any ventilation besides the air that comes in at the windows?—There are holes or niches in the walls about 6 or 8 inches wide, and about a foot long, made zigzag through the wall, so that the prisoners cannot see through them.

Are they always open?—They are sometimes; the prisoners stuff rags into them.

Are they near the ceiling, or in any other part of the room?—The bottom of them is about 6 or 7 feet from the floor.

Are the windows generally open?—Mostly in the day-time; they have not light sufficient without opening them.

Are the ventilation holes on the opposite side from the windows?—Yes. There is a water-closet and fire-place to each ward or room.

Are there 12 persons in each ward now?—I believe there are.

How are these windows closed at night?—By shutting the paper casement.

Have you sometimes experienced difficulty in inducing the prisoners to keep the windows open?—We did when they were glazed, but now I do not experience that difficulty, because they open them in order to obtain more light, which was not necessary when they were glazed.

Describe

Mr. MORRIS.

Describe the middle yard, and the wards connected with it?—It is near 50 feet long and 25 feet wide; the wards are 15 feet wide, and 38 feet long. I suppose them to be capable of holding about 24 persons in each.

Have the prisoners in this ward, during the day-time, the liberty of walking in the yard whenever they please?—Yes, all the day; they are only shut up at particular times.

How are the prisoners classed in these wards?—All the criminals are together, whether tried or untried, for whatever description of crimes they are committed.

Is there any discrimination with regard to their ages?—No. We have a vast deal of difficulty with children, to know how to dispose of them; some are put into the Infirmary, and some into those rooms where we think they will be best treated.

Have you in fact a number of very young persons frequently committed for trial?—Yes, we have.

Are children frequently committed to Newgate?—Yes; there are several now under sentence, that are under thirteen, fourteen, and fifteen years of age.

Are you in fact frequently obliged to put young persons committed for trial, or convicted, into the yard you have been mentioning?—Yes.

Are there any apprentices committed to Newgate?—Not as apprentices, they must be criminals.

Are no persons committed to Newgate for misdemeanors?—Yes, for misdemeanors in London, but not in Middlesex, unless committed by Courts superior to the General Sessions, or cases of an aggravated nature.

Is Newgate used as a House of Correction?—No; the persons sent to Newgate, have a sentence to be committed to Newgate.

Is there any House of Correction or prison belonging to the city of London, to which felons, sentenced to temporary imprisonment, can be sent from Newgate?—There is none at present; but I understand the City have long had it in contemplation to build an House of Correction, and have lately been in treaty for some ground for that purpose.

Is any bedding allowed to the prisoners?—No; it is a charitable gift from the City, whenever there is any.

What allowance have the prisoners, of food and clothing?—The felon prisoners are charitably clothed by order of the Magistrates, now and then, when the case requires it; there is no established provision for clothing them.

What allowance have they for food?—Ten ounces of bread; and in lieu of four other ounces (which used to be the case formerly, but it was altered at the time of the scarcity of bread) they have meat, rice, fish, potatoes, and coals to cook it; which ought to make the value of the other four ounces of bread: but it is a benefit to the prisoners, it being of twice the value so them. This the Court of Aldermen gave them.

Have the prisoners committed for trial, any allowance?—Yes; it goes among all the prisoners.

Is the allowance for the prisoners sufficient to support them if they did not derive assistance from their friends?—It is not when the gaol is full; the reason of that is, that the Sheriff, out of their private pockets, give 18 stone of beef to the criminal prisoners every week.

Is the same quantity given, whatever number may be in the gaol?—Yes.

In what manner is this allowance distributed?—It is cooked in a copper, and soup made of it; and we deliver a ladlefull of soup and meat to each, as far as it will go; if we cannot go through all the yard, we give it turn and turn about.

Does each prisoner receive his own share, or one prisoner receive it and distribute to another?—No; the Turnkey distributes it, and each prisoner brings his basin.

Are vegetables dressed with this soup?—Yes, I give them the vegetables myself.

Do any inconveniences arise from their friends being permitted to see them?—Yes; there is danger of escape, from too free an intercourse.

Are there no other inconveniences; can you prevent the introduction of spirituous liquors while their friends come to see them?—Not well; there is a great deal smuggled into the gaol.

Does it ever happen that a prisoner is drunk in consequence?—We have frequently seen them drunk.

What regulations are there, or what means are taken to prevent the introduction of spirituous liquors?—Apprehending the parties who bring in spirituous liquors, and taking them before a magistrate.

Do you take as much care as lies in your power to prevent spirits from being brought

brought in?—I do take all possible care to prevent introduction of spirituous liquors.

Are the clauses of the 24 Geo. 2. prohibiting the introduction of spirituous liquors into a gaol, hung up in a conspicuous part of the prison?—All the several clauses directed to be hung up in gaols are hung up in Newgate, and certified yearly to the Quarter Sessions in London.

Is the use of porter permitted freely in the prison?—The use of porter is permitted freely, in moderation.

Under what regulations are their friends permitted to have intercourse with the prisoners?—They came in at all times, till very lately, except two hours of the Sunday morning and two hours of the Sunday afternoon, when the prison is shut up, and they went out at all times whilst it was day-light; but lately from my believing that escapes were intended, they have been only admitted to come out every time the muster-roll is called of the prisoners, and that is three times a day. They go in at all times, but come out only three times a day. Their female friends come out every hour.

Have you the means of keeping prisoners in such order, that they shall not swear or game?—No; I have never been able to stop it yet.

Can you prevent them from inflicting or ill using one another?—We punish them, by putting double irons on them.

In what case are irons used in the prison?—For security principally, and double irons for punishment. All felons are constantly ironed; but we take the irons off from those we can trust.

Do you think it would be possible for you to prevent escapes, if the use of irons was entirely discontinued?—Not as Newgate is planned at present.

What means have you of punishing the prisoners already ironed, for any misconduct towards their fellow prisoners?—By double ironing them; and, if they are very refractory, putting them into a solitary cell for a day or two.

Would a person, going to the prison to see a prisoner, run the risk of having his pocket picked?—There have been many very bad robberies of that kind committed lately. It was to prevent that, that the male friends are not let out till the muster-roll.

Do you think it would be in your power, by that means or any other, effectually to prevent it?—That has checked it in a great measure.

Has any instance occurred, of a pocket being picked since the regulation was made?—Yes; one.

When was the regulation made?—The regulation was begun the Monday before last; and last Sunday a man's pocket was picked of 12 or 14 shillings, a friend of one of the prisoners.

Who made that regulation?—I did, with the consent of the Magistrates.

Do you generally advise people who go into the prison, not to take valuable things in their pockets?—When I am there I always do it, and direct the Turnkeys to do it.

Has any work ever been carried on in the prison?—Yes; several shoemakers and tailors have worked in the prison.

Would it be possible to introduce any general system of work in Newgate, as at present constituted?—No, I do not think it could be done, because there are very few prisoners who are likely to remain there. The persons in for trial, are preparing for trial, and therefore could not have much opportunity for work; and the greater part of the others are transports or persons respited, who expect to be removed, and upon whom the law has had its operation, and they will not be forced beyond.

Do you think that a person disposed to work, would be prevented from working by his companions?—No; those that are inclined to work, I do not see that the others prevent them, unless they are inclined to quarrel.

Is any religious instruction afforded to these prisoners?—There is the Ordinary of Newgate, who pays attention to them.

In what way?—By prayer, and a sermon on Sunday, and public prayers twice a week.

Has he any means of communicating separately with the different prisoners?—Yes.

Are the prisoners compelled to go to chapel?—No; their attendance is voluntary, except in the case of condemned prisoners, who are obliged to attend, if of the Church of England.

What opportunity has the Chaplain of communicating privately with the prisoners?—By calling the prisoners to a room he has adjoining the chapel, which is called the Vestry, or by seeing them in the great yard if he pleases.

Mr. Newman.

In fact, do any of the prisoners pass much of their time in reading?—Very few.

If a man were disposed to do so, do you think it would be possible for him to do it conveniently in either of those wards, mixed with the other prisoners?—I do not think he could.

Describe the part of the prison called the Master's Side, for felons.—The yard is of nearly the same size as the middle yard; it has one room in it on the ground floor, of 38 feet by 15; it has four rooms of 15 feet by 20, which four rooms are none of them on the ground floor; there are two other rooms adjoining, one adjoining a room on the first floor, another adjoining a room on the second floor, which are about 15 feet square. The large room will hold about 24; the other four rooms will hold each about 12; and the smaller rooms will contain about four prisoners in each.

Of what description are the prisoners confined on this side?—Criminal prisoners, of any sort who can afford to pay for the accommodation; they pay 15s. 6d. upon their admission, and half a crown a week for their bed.

In what respect does the treatment of these prisoners differ from that of those in the wards we have spoken of?—In nothing but that they do not partake of so many charities, being persons who can better support themselves.

What advantage do they derive in being in that part of the prison?—Comfort, and separation from the lower prisoners; and wherever a man can afford to live better than the rest, has some a distressed object near him, that he must have supported if he had any feeling, he gets relieved from the pressure of that, by being among people able to live as he himself lives.

The regulation with respect to seeing their friends, is the same with respect to these prisoners as to the others?—Just the same.

And there is no other indulgence?—None.

Do you allow any felon to be removed into the Master's side, who can afford to pay half-a-crown a week?—Yes, if they behave well; I do not admit any prisoner on the Master's side, without he makes a condition to behave well; and if he misbehaves, I turn him to the common side.

Are there any instances of persons being removed from the Master's side, after they have been admitted there?—Yes; I removed a man, of the name of Howard, the other day, for misbehaviour; and there is another man, of the name of Driver, who had been admitted on the Master's side, I ordered the money he paid to be returned him, as I would not admit him; I suspected him of intending with others to make an escape.

Is an escape more easy from this side than the other?—I do not know that it is, but he was with people I did not like to trust him with; five of them are now removed for transportation.

The apartments are the same in all respects, are they, as on the other side?—Just the same.

Describe the part of the prison you call the State side.—On the State side, the court is 38 feet by 28, and there are twelve rooms, four rooms on a floor; the largest room is 15 by 21, the second is 19 by 15, the third 12 by 15, the fourth about 11 square.

What description of prisoners are confined in this part of the prison?—Principally for misdemeanors, or even superior felons.

Superior, in what sense?—Superior in behaviour; and men who have lived better in the world, as Mr. Afton.

What determines their being received in this part of the prison?—Being gentlemen, and paying a fee. In the larger room, which is a room appropriated for four, they pay two guineas entrance, and seven shillings per week; generally speaking, they pay seven shillings a week each; there are some few exceptions; the three little rooms, which hold only one person each, the price is half-a-guinea a week; the first room, I reckon the complement to be four, the second to be four, the third two, and the little room one.

Whose discretion determines whether any person shall be received into any of these rooms, provided he is able to pay the sum required?—The Keeper.

Do the same regulations respecting seeing friends apply to them?—No; they have greater latitude, being principally for misdemeanors.

Do the same regulations apply to all who are in the same part of the prison?—Yes, they apply to all, but are not enforced so strictly on the State side, they being principally confined for misdemeanors.

Have you any copy of any regulations at Newgate?—No.

Do

Do they rest entirely in cages?—Yes; there are no set rules for the Female side.

Describe the part of the prison for the females.—For all sorts of females there are two yards, opening into each other; one 40 feet by 10, the other 18 feet by 9, or thereabouts. The common side has one room on the ground floor 36 feet by 15, calculated to hold about 20; another on the first floor, of nearly the same dimensions; another on the second floor, which is divided into an infirmary and a recovery ward, for those patients who get out of the sick ward. At the end of each of these rooms there is another room, of about 15 feet by 10; the lower one is used indiscriminately by the inhabitants of the ward adjoining; that is calculated to hold about five or six persons. The middle one is called the Women's Cells, that is, for women under sentence of death; that is shut at night, at eight o'clock.

Are the women under sentence of death, then, allowed to have intercourse with the rest of the female prisoners, during the day-time?—Yes. The third room is for the nurse who attends upon the infirmary.

In the yard and rooms that you have now described, women committed to Newgate for crimes of all descriptions are placed together?—Yes.

Are the women's allowance for food, clothing, and bedding, the same as the men's?—Yes; exactly provided.

Does the Chaplain ever visit them?—Yes.

Has he any opportunity of being with them singly?—Yes, by calling them to his vestry.

Are there frequent instances of drunkenness, pilfering, and swearing, in the women?—Yes, they have been very frequent; it is better now than it has been.

Have you frequently girls of a tender age committed there?—Yes, as young as twelve and thirteen sometimes. There is one there now not fourteen years old yet, that is lately respited: she was convicted of a capital offence, for attempting to poison her mistress and family.

Are their friends allowed to visit them in the same manner as the men?—No, there are but few admitted among the women: but in the yard there is an iron grating, through which their friends may talk with them; and all their friends are admitted to that grating at any time in the day.

Are their friends ever admitted within the grating?—Now and then, but not generally.

Are any persons who come to enquire for them, admitted to see them at the grating?—Yes, any body may see them through the grating.

Is there any distinction made, whether their friends are male or female?—I do not know that there is any particular distinction; we do not knowingly admit any males, except a husband or brother.

Is any work ever done by the female prisoners?—But very little.

Is it from want of materials that they do not work?—In some few instances from want of materials, and in others I believe from want of inclination.

Are there not usually considerably more than 66 females on the common side?—The gaol has been so full, that I have been obliged of a night to clear a man's ward, because there was not room for them to sleep; they would have covered the floor without any space between them, if they had been left to sleep there.

Have you ever known as many as 50 sleep in the largest room?—No.

What is the greatest number you have ever known sleep in that room?—I cannot answer that immediately; there have been a great many, but I do not remember the exact number: there have been upwards of a hundred women at a time on the common side, including the end rooms and the sick ward or infirmary.

Does it not frequently happen that the women confined on the common side have young children with them?—Yes, it has happened several times.

How are those women and children disposed of?—They are among the rest.

How old do you allow them to bring their children with them?—They ought not to be brought with them at all, unless they are children in arms; but they have been, sometimes, because there has been no place to take them; there have been sometimes as many as three children to one woman.

What is the greatest age at which you allow children to come in?—I should not admit any that are not in arms, but there have girls and boys come in too.

Of what age?—Girls and boys of eleven or twelve years of age; that is a thing I resist as much as I can.

Do you think that there is good accommodation now in that part of the gaol appropriated for fines?—No.

Are

Mr. Newman.

Are not fines confined in the same place as felons?—Yes; fines and felons are synonymous terms, excepting cases of misdemeanour.

Is there a proper accommodation in the prison, as at present constituted; and whether there are sufficient wards for their proper separation?—Not for a proper separation of all descriptions of criminals.

Whether the prison would not be greatly improved, by appropriating that wing of Newgate, now occupied by the debtors, to the use of the felons?—I do not know; I think if there could be a wing added, for untried prisoners; but the debtors' side would not answer the purpose at all.

If, in the arrangement of the apartments, it is not now suited to that purpose, might it not easily be made so?—It would be a greater means of separation, from gaining more space; but that debtors' place would not be large enough for the convicted, nor convenient for the useful, because it lies so far from the Sessions House.

But it would hold a considerable number of the convicted?—It would hold a good many.

And consequently, leave room in the other parts of the prison to separate the convicted from the useful?—In some measure, but not completely.

Describe the Masters' side for female criminals.—It consists of three rooms, one on the ground floor of about 15 feet by 12, calculated for about four or five persons; the second above it, the same number; the third above that, the same number.

Are the rules that you observe respecting the admission of female prisoners into the Master's side of female prisoners, the same as you observe in respect to the males on the Masters' side for males?—Yes; they pay 12s. 6d. and half-a-crown a week.

And the discretion of the Keeper regulates what women shall be admitted?—Yes.

Are they allowed to have more children than the women in the common ward?—No, there is no distinction of that sort. No children are allowed, strictly speaking, to have admission; from one cause or another, their friends bring them to see them sometimes, and when they have once got them, they will not part with them again.

What means of punishment have you for female prisoners?—Shutting them up by themselves in cells; there are three or four dark rooms under the chapel, confining them there three or four hours, quiets them very frequently.

When you speak of the number in Newgate prison, do you refer to a time of war, or a time of peace?—I have not had an opportunity of knowing it in time of peace, it has been war all the time I have known it.

Whether you do not know, that the number of prisoners is much greater in time of peace, than in war?—Yes; there is a Return to that effect in Mr. Howard's publication; there is a Table of the numbers. The average number of prisoners for larceny and misdemeanours in London, is about 200; in Middlesex, 500; total, 700. Convicts liable to sentence of transportation, and either transported, or imprisoned for six months and upwards: In London, men about 70, women about 30; total 100; in Middlesex, men about 300, women about 150; total 450. Imprisonment for shorter periods in the county goal: London, about 30; Middlesex, about 100; total about 150. About 270 Middlesex prisoners sent annually to the House of Correction, Cold Bath Fields. About 200 men, and about 80 women, annually sentenced to be transported.

How long are the women in Newgate after sentence of transportation, in general?—About half a year, frequently a twelvemonth, in some cases more. But the men are removed to the Hulks; there are very few men remain longer than three or four months.

Luna, 25th die Martii, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Mr. John Addisley Newman, again called in, and Examined.

DO transports, who from age or infirmity are unfit for transportation, continue for a long time in Newgate?—Yes.

How many of that description are there now?—Seven.

How are they distributed in the different wards?—There are two of them in the sick ward, some on the Master's side; and they are also distributed in other different wards.

How

How many women are there, that have been for above a year in Newgate under sentence of transportation?—Fifteen.

What number of persons transportable, have you had in your custody, forming an average for the last three or four years?—I think I have had about two hundred in the course of each year, on the average.

If all the transports and all the respites could be taken out of Newgate immediately on their being condemned, would not their removal leave a space which might be converted into a more convenient arrangement for the prison, than can now be made?—I should think it would, with respect to females in particular; and it would leave more room.

Are any steps taken or any facilities given, to enable the prisoners to be employed at their useful occupations, when they are in Newgate?—Yes; to all whose trades are of such a nature as to be admissible; as, for instance, shoemakers, tailors, and cabinet-makers, in a small way.

Do you mean, that if the prisoners are so disposed, they are allowed to work; or that any regulations are made for providing them with work, and giving them encouragement so to do?—They are allowed to work.

Do they work for their own profit?—They do. I have endeavoured to get them work, and I got them some army work some time ago, to make scabbards for bayonets; but it did not answer; they kept the work too long, and sometimes robbed each other of the materials.

Is there any system of discipline in Newgate by which the Keeper is enabled to judge of the conduct of the prisoners?—Yes; by having one in each room, who is a prisoner himself, who looks up to the Keeper for some benefit for behaving well, who is in some measure answerable for their conduct; he is called Wardman.

What reward has he?—Every prisoner that comes in pays him a garnish, for which he furnishes them plates, and knives and forks, to eat their meals with; and helps to keep up their common fire for the ward.

Is that garnish settled or arbitrary?—On the felons side it is arbitrary; it is on the common side about eight shillings.

Supposing a person to be unable to pay the eight shillings, what would be his situation?—He would be kept from the fire, and not be treated so well by the rest, and be deprived of those accommodations.

Has it frequently happened, that it has been necessary to degrade the Wardmen for misconduct?—Yes.

Upon what principle do you make your selection of Wardmen?—From the behaviour of a man.

What means have you of forming your opinion?—I am obliged to take the advice of my Turnkeys, in that respect; I find the transports make the best Wardmen.

Do the Wardmen pay anything to the Turnkeys, for their recommendation?—No.

Have the Wardmen any power over the other prisoners?—Yes; they must obey the Wardmen so far as the peace of the ward is concerned.

Are any rewards given, as an encouragement to general good conduct, among the prisoners?—No, none; except the situation of Wardman, for which he has a double allowance of bread.

Is it not consistent with the general regulations, to put irons on every felon admitted into the goal for trial?—Yes.

Is not taking off their irons considered as a great mark of favour?—Yes.

Is it a favour granted only to persons whose good conduct may merit it?—Yes; and sometimes it is done at the intercession of friends.

Have the majority of the prisoners irons on?—Yes.

Those for trial, or those convicted?—All felons.

What is the consequence of any turbulent or ill behaviour?—We put them in double irons, and if they continue refractory, confine them in a solitary cell.

Are there any classes of prisoners from whom the irons are never taken off?—Yes, prisoners under sentence of death, from whom they are not taken off, unless on account of sickness.

What renders the use of irons in the prison necessary?—From the intercourse of friends, we should not know the prisoners from strangers, and I do not believe I should be able to secure them without irons, in the present state of the prison; we should never be able to get the prisoners down to trial; when they come down a party together, without irons half of them would get away.

Would there be the same necessity, if the friends who visited prisoners had access to them only through an iron grating?—I think not, unless at Sessions time.

Mr. Newman.

Have irons ever been discontinued, or has the practice always prevailed?—It has always prevailed.

Is the chapel sufficient to contain all the prisoners that are in Newgate?—It is not.

What rule is there to determine which of the prisoners shall attend?—The capital convicts are required to go if they are Church-of-England men, the rest are at their option.

Is the chapel sufficient to contain all those who are either required, or if not required, are willing to go there?—Yes; I have not heard any complaint to the contrary.

How many will the chapel hold conveniently?—I think three hundred would fill it very full.

Do you think that if all the women prisoners were to be removed, that there would be full accommodation for the men?—Yes, with very little alteration, better (though not full) accommodation would be gained.

And do you not think that such a regulation would tend very much to the general peaceable behaviour of the prisoners?—I think it would.

Do you not think that the conduct of the women, in general, is most productive of disputes in the prison?—It has been; but the present set of women are very well behaved.

QUESTIONS.		ANSWERS.		
		Men.	Women.	Total.
What number of Prisoners are now in Newgate on the Criminal side? - - - - -	- - - - -	238	66	304
How many are committed for Trial?	- - - - -	33	10	43
How many under Sentence of Death?	- - - - -	5	-	5
How many respited, having received no Sentence? - - -	- - - - -	4	5	9
How many liable to be transported for Life under an original Sentence of Transportation, or as having received Sentence of Death and been pardoned on condition of Transportation? -	Received Sentence of Death, and pardoned on condition of Transportation for Life - -	55	12	67
How many liable to be transported for 14 Years, distinguishing whether under an original Sentence, or pardoned on that condition? - -	Received Sentence of Death, and pardoned, to be transported for 14 Years - - -	-	1	1
	Under Original Sentence - - -	2	1	3
	For seven Years, under Original Sentence -	63	25	88
	Received Sentence of Death, and pardoned, to be transported for seven Years, - - -	9	2	11
	The like, and pardoned for the Marine Society -	1	-	1
	Transported for seven Years, and pardoned for the Army abroad - -	1	-	1
How many imprisoned for Felony, under Sentence for Five Years? -	None.			
The same, for Four Years? -	None.			
The same, for Three Years? -	None.			
The same, for Two Years? -	None.			
The same, for One Year? -	- - - - -	5	5	10
The same, for Six Months? -	- - - - -	3	1	4
	Disorder - - - - -	1	-	1

QUESTIONS.	ANSWERS.
How many for Milemenors, under different circumstances not above enumerated; distinguishing them?	Milemenors: for
	5 Years - - - 1
	3 Years - - - 4
	2 Years - - - 15
	18 Months - - - 4
	1 Year - - - 11
	9 Months - - - 11
	6 Months - - - 5
	3 Months - - - 5
	Total
	Mes. 66
	Women 304

A STATEMENT of the Distribution of the Convicted Prisoners, Male and Female, in the different Wards; as also of the Prisoners for Trial; viz.

		Mes.	
In the Cells :	In the Cells - - -	3	Forgery.
		2	Cutting.
	Infirmary - - -	1	Respite (no sentence).
		3	Respite, for transportation for life.
	Keeper's Room - -	4	Transportation 7 years.
		1	Respite for life.
		2	Transports.
	Bottom Ward - -	4	Respite for life.
		3	Transports for 7 years.
		3	Fines.
In the Chapel Yard :		1	For trial, felony.
	Middle Ward East -	5	Respite for life.
		1	Respite (no sentence).
		2	Transports.
		1	Fine, for sureties.
	West - - -	2	Respite for life.
		4	Transports.
		3	Fines.
		2	For trial, felony.
	Top Ward East - -	3	Respite for life.
In the Middle Yard :		1	Do. 7 years.
		2	Transports.
		4	Fines.
		2	Respite for life.
	West - - -	1	Do. 7 years.
		3	Fines.
		2	For trial, felony.
	Bottom Ward - -	7	Respite for life.
		6	Transports.
		2	Fines.
		3	For trial, felony.
	Middle Ward South -	4	Respite for life.
		4	Transports.
		6	Fines.
		2	For trial, felony.
		1	Defector.

A Statement of the Distribution of the Convicted Prisoners, &c.—continued.

		Men.							
Middle Yard, continued:	Middle Ward North -	1	Respite for 7 years.						
		4	Transports.						
		2	Fines.						
	Top Ward South -	8	For trial, felony.						
		5	Respites for life.						
		2	Do. 7 years.						
		6	Transports.						
	North -	2	Fines.						
		2	For trial, felony.						
		7	Respites for life.						
10		Transports.							
Maister's Side Yard:	Bottom Ward - -	3	Fines.						
		4	For trial, felony.						
		1	Respite for life.						
		1	Fine.						
	Upper Ward, Single -	1	For trial, felony.						
		3	Respites for life.						
		1	Do. 7 years.						
		5	Transports.						
	Do. " Double -	1	Fine.						
		1	Respite for 7 years.						
3		Transports.							
3		Fines.							
Lower Ward, Single -	1	For trial, felony.							
	3	Respites for life.							
	1	Do. 7 years.							
	2	Transports.							
Do. " Double -	2	Fines.							
	3	For trial, felony.							
	1	Respite for life.							
	3	Transports.							
Gates-men - -	2	Fines.							
	1	For trial, felony.							
	1	Acquitted, lunatic.							
	1	Respite for 7 years.							
State Side Yard:	Attic Story - - }	1	Respite (no sentence).						
				Large Room - }	1	For trial (lunatic).			
							Small Room -	1	Fine.
							Passage Do. -	0	None.
	Middle Story - - }	1	Respite (no sentence).						
				Inner Do. - }	1	Respite (no sentence).			
							Large Room - }	2	Fines.
	Ground Floor - - }	1	Fine.						
				Small Do. - }	3	Fines.			
							Passage Do. - }	7	Fines.
	Ground Floor - - }	1	Fine.						
				Small Do. - }	1	Bankrupt.			
							Passage Do. - }	1	Fine.

A Statement of the Distribution of the Convicted Prisoners, &c.—*continued.*

		Men.	
State Side Yard, <i>continued</i> :	Gate Room - - -	1	Transport.
	Room without the State Side Yard :		
	On the Chapel Stairs - - -	1	Fine.
	In the Keeper's House - -	2	Fines.
		238	
Women's Yard, Master's Side :		Women.	
	Bottom Ward - - -	1	Transport.
		1	Fine.
	Middle Ward - - -	1	Transport.
		1	For trial, felony.
	Top Ward - - -	1	Respite for 14 years.
		2	Transports.
		1	For trial, felony.
	Common Side :		
	Bottom Ward, and } Room adjoining - }	2	Respite for life.
		2	Days for the House of Correction, 12 months.
		1	Do. - - 6 months.
		7	Transports.
		5	Fines.
		4	For trial, felony.
	Middle Ward, and } Cell adjoining - }	7	Respite for life.
		1	Do. - 7 years.
		2	Respite for House of Correction, 12 months.
		1	Transport, 14 years.
		9	Do. - 7 years.
		4	Fines.
		4	For trial, felony.
	Infirmary, & Nurse's } Room - - - }	2	Transports.
		1	Judgment respited, for Refuge Society.
	Recovery Ward - - -	3	Respite for life.
		3	Transports.
		304	

QUESTIONS.	ANSWERS.			
		Men.	Women.	Total.
What has been the greatest number of Prisoners for Trial at one Session, during the last Year?	- - 225			
The smallest - Ditto?	- - 108			
	Dec ^r Session 1809 -	72	51	123
	January - 1810 -	76	32	108
	February - - -	114	36	150
	April - - -	137	61	198
	June - - -	130	56	186
	July - - -	116	36	152
	September - -	153	73	226
	October - - -	137	44	181

What has been the Number of Transports at the beginning, and also at the end, of each Session?—

	BEGINNING.			END.		
	Men.	Women.	Total.	Men.	Women.	Total.
December 1809 -	102	65	167	124	60	193
January - 1810 -	135	70	203	142	72	214
February - - -	99	28	127	120	34	154
April - - -	122	26	148	158	27	195
June - - -	65	38	103	105	45	150
July - - -	63	47	110	80	52	132
September - -	12	53	65	44	61	105
October - - -	44	60	104	65	64	129

Describe the Size of the different Wards on the Criminal Side of Newgate, and the Number of Persons each is capable of containing :

		ft.	ft.	
Pris Yard - - -	- - -	85	by 15	at one end; and
		85	— 20	at the other end.
Condemned Room -	-	35	— 13	Is a day-room only for Prisoners under Sentence of Death.
Male Infirmary -	-	35	— 18	Will contain about 12 persons.
14 Cells - - -	-	10	— 7	Will contain - 28 persons.
1 Ditto, useless, for insecurity.	-			40
Chapel Yard - - -	-	40	— 25	
Lower Ward -	-	20	— 15	
Four other Rooms, each - - -	-	20	— 15	
An adjoining Room to the upper West Room, not used, for insecurity	-	15	— 15	
Chapel Staircase :				
Room on Ground Floor	-	15	— 15	
Ditto First Story -	-	15	— 15	
Middle Yard - - -	-	50	— 25	Will contain - - 70 persons.
Five Wards, each -	-	58	— 15	Will contain - - 120 persons.

QUESTIONS.	ANSWERS.	
		feet. feet.
Master's Side Yard -	- - - -	50 - 29
Lower Room -	- - - -	38 - 15
Four other Rooms, each -	- - - -	20 - 15
Two adjoining Dito, each -	- - - -	15 - 15
		Will contain about 90 persons.
State Side Yard -	- - - -	38 - 28
Three Rooms, each -	- - - -	21 - 15
Three Dito, each -	- - - -	19 - 15
Three Dito, each -	- - - -	12 - 15
Three Dito, each -	- - - -	11 - 11
		Will contain - 40 persons.
Women's Yards:		
One -	- - - -	40 - 10
The other -	- - - -	18 - 9
Three Master's Side Rooms, each -	- - - -	15 - 12
Nurse's Room, Wo- men's Cell, and lower little Room, each -	- - - -	15 - 12
Two Ward, each -	- - - -	36 - 15
Infirmary, and Reco- very Ward adjoining, each -	- - - -	18 - 15
		Will contain - 100 persons.
		460

General Summary of the NUMBER of Persons the Criminal
Side will conveniently hold.

Men:				
Men's Cells -	-	28		
Infirmary -	-	12		
Chapel Yard, about -	-	-	50	
Middle Yard, about -	-	-	100	
Master's Side, about -	-	-	70	
State Side, about -	-	-	40	
				260
Women:				
Master's Side, about -	-	-	12	
Common Side, about -	-	-	45	
Women's Cell, about	-	5		
Infirmary, and Reco- very Ward, about }	-	12		
				57
				317

In explanation of the difference between the numbers which Newgate is described to be
capable of containing, viz. 460; and the number which it will conveniently hold,
viz. 317; I am to observe, that in considering what it will hold conveniently,
I have

Mr. Newman.

I have omitted the condemned cells and infirmaries, the inmates whereof are all liable to be replaced in the other several wards upon relapse or recovery. This reduces the number 460 to 403. But convenience cannot be obtained in Newgate, without having some unoccupied rooms or wards to be used in case of contagion or other emergency, which will further reduce the number of 403 males and females, to 317, especially as I calculated the former number of 460 upon the supposition, that every part of the prison had the full complement of persons it was said to be capable of holding.

The calculation, as per Mr. Nield's Book on Prisons, is 300 men, and 80 women, criminals.

Mercurii, 27^o die Martii, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Jeremy Bentham, Esquire, Examined.

J. Bentham, Esq.

I BELIEVE you have been engaged in negotiations with Government respecting building a Penitentiary House, and the care and custody of the male convicts?—Yes.

Was the ground procured for that purpose?—There was ground procured. The ground that I stipulated for was not obtained; the intention of Government was changed. The ground that I stipulated for was situated at Bamber's Rise; and upon those terms the negotiation commenced. After that, Government thought fit to change the site, and powers for that purpose were inserted in the Act. The state the business was in when that change was made, may be seen at the commencement of my examination, as reported in the 28th Report of the Finance Committee of 1797-8.

Was any ground obtained under the last-mentioned powers?—Ground was afterwards obtained in part of the quantity that I had stipulated for.

What was the quantity stipulated for?—Seventy-nine acres and a fraction. I believe the quantity appears upon the face of one of the Acts, but if not, it will appear from the evidence I gave to the Finance Committee, and which is I believe before this Committee.

What was the quantity actually obtained?—Fifty-three acres two roods fourteen perches; including a bank and a private road, which make together one acre three roods and nine perches.

Was that ground conveyed to you?—It was conveyed to me.

Is that ground sufficient for the erection of a Penitentiary House under the Act as it now stands?—Any quantity that the Penitentiary House could stand upon, might, physically speaking, be termed sufficient; but that is not the quantity I stipulated for.

What is the quantity of ground which would be sufficient for the Penitentiary House and the accommodation of the persons contained in it?—I am not prepared to answer any such question as that.

With what view did you stipulate for so large a quantity of ground as seventy-nine acres and a half?—I found that quantity of ground already attached to the proposed establishment in its original form. A Jury had found the value of the ground. Then came my proposal. Give me that land, and upon that land I will erect a Penitentiary House.

Was the excess of the land over and above what might be necessary for a Penitentiary House, a part of the consideration for which you contracted?—I had no motive for lulling my mind to work, and considering whether there were or were not any excess; it having been determined by competent authority, viz. the authority of Parliament, that that quantity was a proper quantity.

Did your negotiations with Government begin previous to the passing of the Act of the 54th of the King?—Yes, previously. It was in consequence of that negotiation of mine that that Act was passed.

By whom was the quantity of land, originally marked out for the purpose of a Penitentiary House, determined?—I can only speak from vague recollection. Lord Auckland, then Mr. Eden, and Mr. Justice Blackstone, obtained the Act. I still preserve a note I received from Mr. Justice Blackstone on the subject, as likewise a correspondence

correspondence with Mr. Eden. It was occasioned by a tract, entitled "*View of the J. Bentham, Esq.*
 Hard Labour Bill."

Can you state by whom that quantity of land was fixed upon for a Penitentiary House?—I cannot tell. I found that quantity of land attached to the establishment, and upon that quantity I attached my proposal.

Did you consider that the whole of that ground was applicable to a Penitentiary House for males only under the Act?—I never concerned myself with that question; I found that that quantity of land had been attached to the then intended Penitentiary Establishment; and, without any regard to the particulars of the plan of that intended Establishment, I said—here is this spot of ground attached to the proposed Penitentiary Establishment; give me the use of this spot of ground as part of my advantage, and with it such and such further terms, and I will maintain such a number of convicts: and this I said without regard, and, as it seems to me, without need of regard, to the number or sex of the convicts that were originally intended to be provided for upon that ground, under the plan which was in contemplation at the passing of that first Act; viz. the 19th of the King.

Then I understood you to say that you had never made up your mind as to the quantity of ground that would be necessary for the Panopticon upon the principle upon which you intended to establish it?—Never.

Is there any spot in the ground which you are now possessed of, which would be fit for such a building as you intended to erect?—There are degrees of fitness. There is no part, certainly, on which, physically speaking, it would not be possible to erect a house of the kind in question. But the spot that I had in view for the actual site of the intended Penitentiary House, is a spot that is not contained in the parcel of ground already obtained. That which has been already purchased for the purpose, is low, and liable (I believe) part of it, at least, to be overflowed. The ground that I had pitched upon in my views and wishes for the actual site is a piece of ground which was then, and I believe is still, actually covered with a sort of buildings, and had been so, (I believe) for some centuries; and it is ground in some degree elevated; it is the site of what was then, and, as I suppose, would be found still to be, a very poor set of huts, scarcely entitled to the name of almshouses, which I remember for these four or five and fifty years, going under the name of The Five Chimnies.

Were any steps ever taken to procure the ground you have last mentioned?—On my part there were steps taken. There were applications made, and plans (I believe) given in. But my recollection at this distance of time is not very specific. What I remember, that it cost me a good deal of time in making applications, in which that spot was included. This Five Chimney Poor House stands in Tothill Fields, which is in a state of waste. I have since heard that a part or the whole of it is the subject of litigation between the Dean and Chapter of Westminster and the parish, but there was no such litigation at that time.

Can you state what steps were taken?—I made applications, and at one time not without hopes: and had verbal conferences with gentlemen upon the subject; and I did entertain hopes for some length of time, that I should have had it.

Was there power under that Act to take that ground?—No: it would have required a fresh Act.

Were the communications you made, under the authority of Government, or private?—My applications were of course made to His Majesty's Treasury.

I thought you spoke of applications to the proprietors?—I did; I received countenance at one time, but not at another. Bishop Hordley was then Dean, and after having received me courteously and given me encouragement, he wrote me a note, saying that he declined receiving any further visits; and Lord Grosvenor also opposed it. I believe Mr. Rafe, then one of the Secretaries of the Treasury, had written to the Bishop a letter, recognising me as agent for Government for that purpose.

Do you conceive that ground could now be procured?—Not without an Act of Parliament compelling the sale of it.

Do you conceive that the ground which you now possess would be a desirable spot to build a Penitentiary House upon?—Certainly it would be possible; but an additional expense would be necessary to the purpose of giving artificial elevation to the ground, as is already done in the case of Clerkenwell prison: in which case the ground is raised very high. What that expense may be, it is impossible for me to say. I should suppose it might be equal to the expense of purchasing that additional site, which I look upon as more eligible. But I speak from vague

J. Benson, Esq.

conjecture; not being a professional man; nor having bestowed a thought on the subject for many years.

Can you state, if it should appear advisable to purchase other land, what quantity of land it would be desirable to procure?—On the ground of good faith, and agreement already in part executed on my side, I should first desire to be heard as to the question of right upon the ground of compact, whether I have not a right to the whole quantity.

But supposing the contract had not taken place, and you were looking at it as an indifferent person, can you state whether it would be necessary for the public purpose?—That I cannot say; I could say that the whole would do without further consideration.

Supposing it should be determined to part with the present ground and procure other ground, can you state what ground would be sufficient for the purposes of erecting a Penitentiary House?—I could not; it is a question that has never been put to me, and I have never turned my mind to it.

Are not the fifty-three acres which you now possess, more than you intended to employ for the purpose of a Panopticon?—No, not more; for my intention always was, whatever quantity of ground I should have obtained, to apply the whole to the purposes of a Panopticon; viz. by employing the convicts, such of them as were fit for it, in agriculture and gardening. The *subsidiary establishment*, which, by article 18 of the contract, I stand bound to keep up for securing employment to the prisoners after their liberation, creates of itself a demand, the amount of which forms a sufficient bar to the setting to the quantity of the ground any limits narrower than those set to it by the contract.

Can you form any estimate of the present value of the ground, supposing it were to be parted with?—No, I can state what it cost.

Can you state what it now produces?—I cannot answer to a pound; it depends upon circumstances; but so it is, that just at this present I believe it produces about £700 a-year. When it first came into my hands it did not produce above £360 odd.

Has the project of the Vauxhall Bridge had any operation to make the ground less favourable for a Penitentiary House, and more valuable to be sold?—Supposing it were to be carried into execution according to what I understand to be the wishes of the Projectors, it would cut off a part of the land.

Would that be attended with any inconvenience to your scheme of erecting a Penitentiary House upon that place?—It would make the ground less in quantity, and therefore less valuable.

Do you mean that the part remaining would be less applicable to a Penitentiary House?—It certainly would. But my action was, on the supposition of the ground being continued to its once intended destination, that the road might be turned a little, and so avoid cutting through it: it was proposed to them; they did not absolutely consent, nor did I understand them to express any great repugnance; my communication with them on the subject was always through a third person. Their road is, I believe, actually made to turn aside, that it may avoid Mr. Elliot's pleasure ground attached to his brewery; to prevent that spot from being cut into, there is, I believe, a clause in their Act.

Supposing the road carried according to its present direction, what would be the quantity of ground cut off?—It appears by the official plans now produced to me, to be about fifteen acres out of fifty-three.

Was your consent asked for this bridge?—I was applied to in respect of this bridge; but it was under such circumstances, that I thought it scarce merited my attention. The application was made by a person of the name of Dodd, and the circumstances that were connected with it were such, that there did not seem to me any probability of its going on; and on that account I turned aside from it.

Do you know whether any communication was made to your tenants, by the persons that brought that Bill into Parliament, of their intention to bring in such a Bill?—The application made to my tenants by Mr. Dodd, was, as they informed me, for their taking shares, he not informing them their land was to be cut through.

What tenure have the present tenants, and how soon could they be dispossessed of the land?—There is a clause, empowering me to take possession on a very short notice, I believe a month's, in the event of its being applied to the purpose of a Penitentiary Establishment.

Are you prepared to state now, whether you would, upon any terms, contract for the building of a Penitentiary House or Houses to contain a thousand persons, upon the ground you now possess, provided no more could be obtained?—Yes, I would, with the present quantity of ground; at the same time I should desire to be heard on the question of right, upon the ground of compact.

Upon what terms would you be inclined to make such a contract now?—Circumstances have undergone a great change; the terms I then agreed upon would necessarily have to undergo very considerable changes, and I have made no calculation applicable to the present circumstances. There might be terms upon which I should be willing now to undertake it.

Will you, upon consideration, state what the terms would be upon which you would undertake it?—I should be unwilling to let about any such calculation, unless I were already well assured of its being, at this time in question, the real design of Government to consent with me.

In your idea of employing convicts upon the whole of this ground, was it your intention to build a wall round it?—Yes: to enclose the whole ground by degrees: in the first place to enclose the building (which was to be round) in a square: and then by degrees, as I could find the means, to erect a boundary wall round the whole.

Did you mean to employ the convicts in this undertaking?—Yes.

Whether, till the boundary wall was built round the ground, you do not think you should have found great difficulty in preventing the escape of the prisoners?—Certainly, such of them as I should find necessary to let out, for the purpose of being employed in the construction of the wall, would need stricter watching than those included within the enclosed square.

Then you did not intend to employ them in agriculture and gardening till the wall was built, did you?—It is impossible for me to answer what I should do in every event;—that must depend upon circumstances and contingencies;—I should see what number I could employ as bricklayers, &c. There was a time when I made inquiries on this head, and received such information as confirmed the expectations I had been led to entertain. But I have not now any recollection of the particulars.

In the Appendix to the Report of the Finance Committee there is a proposal for a new and less expensive mode of reforming and employing the convicts, by Mr. Bentham; and this proposal embraces Mr. Bentham's views with respect to the mode in which that should be carried into effect, and also a statement of what he would have been willing to have undertaken it for in the event of the proposal being agreed to; the Committee now wish to know whether further consideration has suggested to you any alterations or additions to that proposal?—I have not turned my mind to it for a great many years.

Did you, at the time you made your proposals to the Treasury, accompany those proposals with plans of the building you meant to erect?—There was a general idea given; but nothing more specific than what is there stated, as the outline of the plan of the construction, in page 64 of the Appendix.

Did your contract with Government provide for any particular construction of a house, or make any arrangement with respect to the internal detail of the building?—It did not.

Then is the Committee to understand that it was open to you, provided you lodged the convicts so as to prevent their escaping, and furnished them with proper accommodations, to lodge them as you pleased?—Yes, consistently with the terms of the written instrument, entitled, "Draught of the Contract," &c. which is in the Report of the Finance Committee, page 65 of the Appendix.

[Addition made by Mr. Bentham to the last answer on a subsequent day.]

The construction of the intended Building being such as rendered it in a peculiar degree difficult to form any adequate conception of it from graphical representations, models, representing it in various points of view, occupied for several years a room in my house. It was on the view of these models, or most of them, that the then First Lord of the Treasury and the Secretary of State granted their acceptance, as stated in my Examination before the Finance Committee of 1797-8.

Long before the drawing up of the *Draught of Contract*, these models had been (amongst other persons) viewed by Members of both Houses, to the number (I suppose) of some scores: amongst the rest, by a considerable proportion (I remember) of the present Committee.

J. Brough, Esq.

At the same time a book, entitled, "*Penitentiary*," &c. which gives ample details concerning the essential parts of the plan, together with no less ample reasons for every thing that was proposed to be done, as well in respect of plan of management as in respect of plan of construction, (and which had in part been published in Ireland, under the direction of Government there) was put into several hands. A copy of it is in the hands of the Committee.

Was it open to you to place as many or as few together as you thought fit?—I believe it was so, but the contract speaks for itself.

Is that the whole of the contract?—It is. I understood it waited for nothing but signature; the instrument proposed to be signed was drawn up by the Solicitor of the Treasury, under the order of the Lords Commissioners.

Did you conceive yourself to be bound by any of the provisions in the 19th George III. c. 74. except as far as they might be repeated in your contract?—No.

Had you ever framed in your mind any scheme of the number of officers and servants whom it would be necessary to employ in this Establishment?—I cannot answer that question with any certainty. My views on the subject were varying; I am not certain that at any period of time they were exactly determined. But it is so long ago, that it is impossible for me to answer that question with any precision.

Have you formed any opinion in respect to the number of prisoners whom you should think fit to confine in the same cell?—That would be a matter to be adjudged by experience. I had no idea of fixing upon a limited number: more especially as I intended to employ them in different trades and occupations; in particular those who have trades of their own, as those trades. The number of the cells would be a determinate number: determined by the plan of the buildings, and the number of the prisoners they were designed to hold. The intended average number per cell was, if I recollect right, six; but that would not preclude me from putting seven in one, or eight in another.

Had you any opinion as to the expediency of making them work and sleep in the same, or in different rooms?—I saw no need of giving them different rooms to sleep in, and should not have done that. I should have given them sufficient means for ventilation; but as for sleeping in different rooms, I look upon that as an expense altogether useless.

Did you mean that they should sleep more than one in the same room?—Oh yes; the number would be determined by the number in the cells. I fancy in barracks that would have been let down from the ceiling.

Did it occur to you that there were any objections to more than one sleeping in the same room, or had you any means of remedying the objection?—There would be very strong objections to more than one sleeping in the same room, were it not for the characteristic principle of my plan, by means of which they would, in any number, and the whole as easily as any number, be, at any time, or at all times, exposed to actual inspection; so the view of a number of persons stationed in the central part of the building for that purpose.

In what manner were the prisoners to be inspected during the night?—By means of light thrown upon their cells. For aught I know, some works might be carried on during the night, as in manufactories. I referred to myself full liberty to take all those advantages. The whole number of the prisoners would remain actually exposed to the inspection not of one person only, but of divers persons.

Can you explain in what manner these lights were to be disposed?—The simplest manner is this: Suppose the building to be in twelve sides or cells, (and I believe the term is) to each case of the central lodge there might be a lamp, with a glass behind it, so as to reflect a light through such a portion of the circumscribing sphere as should be exactly commensurate with the size and form of the cell opposite to which it was stationed; and this same principle would be applied to the several stories.

4th April 1811.

On the subject of applications made to proprietors of Tothill Fields and other lands in the neighbourhood, the Witness having had an opportunity of consulting his papers, desired to give the following statement in explanation:

1. In regard to Tothill Fields, I find that notice of an intention to bring in a compulsory Bill for a division of that spot, and an appropriation of the greater part of it to the purpose of the Penitentiary Establishment, were published in the newspapers by the Solicitor of the Treasury; and that a Bill, having accordingly been prepared

prepared at my charge, had been *perused and settled* by the Attorney and Solicitor General, by direction from the Treasury.

J. Bentham, Esq.

a. In regard to other lands, which, for the purpose of making up the agreed on complement of 79 acres a rood, had been pitched upon by me as being adjacent to Terhill Fields, (lands at that time the property of a *Mr. Wye*), I find that for the obtaining of this part likewise of the proposed allotment, steps had been taken by the Treasury. This appears from a letter of the 4th of August 1799, or thereabouts, addressed to the Treasury by a *Mr. South*, as agent to *Mr. Wye*; from a letter of the 10th of March 1800 to me, from the *Surveyor General's Office*, on the subject of that letter; from a letter of mine of that same date (8th March 1800) to the Treasury, complaining of the delays in the *Surveyor General's Office*; and from many anterior letters, and *memorials* on the same subject, as well as minutes, taken by me at the time, of several conversations with gentlemen of the Treasury, on the subject of *Terhill Fields* and the above mentioned adjacent lands.

Jeremy Bentham.

Perth, 29th die Martii, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Read the following Letter from *Jeremy Bentham, Esquire.*

“ Queen Square Place, Westminster,
29th March 1811.

“ Sir,
“ A written intimation with which I was favoured, together with such recollections as I have been able to prelave of what passed at the Committee in the course of my examination on Wednesday last, have suggested to me the propriety of bringing to view, in this shape, some matters of fact, the nature of which, I am inclined to hope, will for this day at least be found to supersede the demand for my personal attendance. Whatever be the time which it may occupy in reading, will, I trust, be found less than what would be requisite to the committing to paper, during the sitting of the Committee, an equal quantity of matter, if delivered in the shape of *verbo voce* and impromptu statements, together with the questions and explanations that would necessarily arise out of a mode of communication so ill adapted to the nature of the case.

“ *Question 1.* Can you state the terms on which you would now undertake the building of a Penitentiary House, &c.?

Answer. What concerns the *Building*, I could not now undertake, at my own risk in point of expense, on any terms. The cause of my inability is, in brief, my being deprived, by death and other incidents, of the necessary assistance.

1. In respect of the details of construction, I myself having no professional acquaintance with the subject; and my own attention being necessarily devoted to other parts of the business, my dependence was altogether upon my brother *Beigadier General Samuel Bentham* (now Commissioner of the Navy), with whom the general idea of central inspection, together with the system of mechanical inventions by which employment was to be found for such of the prisoners as could not be employed in works they had been accustomed to, had originated; and whose life interest in the concern was, according to the terms agreed upon *, made to succeed mine. He is at present stationed at *Queensborough or Sheerness*: his time altogether engrossed, as I understand, by urgent official business. In respect of prices of materials and labour, and the assurance of no unnecessary enhancement by finisier professional interest, his and my dependence was upon a most ingenious as well as trust-worthy man, at that time Architect to the Naval Works, a *Mr. Smeat*, who is since dead. It had been settled by me with him, and to his perfect satisfaction, that whatever remuneration he was to receive for his part in the business, should be not in the usual shape of a per centage on the expenditure, increasing consequently with the expenditure, but in the shape of an annuity, which was not to commence till the means of payment had been extracted from the concerns by success. Besides his inbred probity, of which from intimate acquaintance I had derived full assurance, it was thus by the terms of the engagement rendered his interest to put the completest exclusion possible upon all unnecessary expense. It was on the ground of his continual assurances, together with those of my brother, that I, in my ignorance, ventured to charge myself with the expense of erecting the necessary buildings for

* *Essays on Penitentiaries*,
1791, 8. Art. 28.
Dignity of Council,
p. 71.

J. Beethoven, Esq. so small a sum as £.19,000, money of that time. Neither I, nor my brother, know at present of any person by whom that loss could be replaced. And in regard to my brother, whatever occasional advice and information, in a case of a fresh contract actually entered into, I might be able to obtain from him, in the present state and complexion of the business, he would, I am certain, be as far from being willing, as consistently with his official duties he would for some time be from being able, to give any the least time to it.

"2. Another professional man, on whose unremitted attention, as well as skill, in the character of foreman, our dependence was, and in particular for the putting together the frame work, which was to be of iron upon a plan never before attempted, and whom, upon the stoppage put to the works, we found ourselves under the necessity of parting with, (a Mr. Lloyd) has since given proof of his capacity, by making a very ample fortune in a very extensive concern of his own, which engrossing the whole of his time, deprives us of all hope of his assistance in any such character as above.

"With respect to one part of the engagement, and that entered into in consequence of my own offer, and that so material a one, finding myself thus under the necessity of declaring it to be no longer in my power to fulfil it, to preserve myself from any such mortification as that of seeing inevitable misfortunes imputed to me as faults, it seemed necessary to me to be particular in shewing that this liability on my part has had for its cause incidents altogether out of my own control, and such as were among the natural and obviously probable results of the delay which I was destined to experience.

"So far then as concerns the erection of the building, all that at this time I could possibly do towards the business would be (after applying any mind to the subject, and getting what occasional information I could from my brother and other persons, for example the above-mentioned Mr. Lloyd), the using my own endeavour towards keeping down the expense: in which case, to give the best possible and most manifest security for my so doing, I should be ready and desirous of concurring in any efficient measures that should be suggested, for bringing my own personal interest in that respect as near as possible into coincidence with the interest of the public purse in that behalf: viz. upon some principle analogous to this respect to that which suggested the agreement, entered into as above, with the late Mr. Bower.

"Not that, in point of economy, any more than a comparatively small advantage, need be lost by this change. If the principles of the plan itself be not disapproved, the great saving is upon the *plan*: that saving would be retained. As to the difference between an Architect taken upon intimate acquaintance and with the advantage of such mode of remuneration and adjustment of interests as has been mentioned, and an Architect taken at a venture and without any such advantage, a difference which would be ruinous to an individual, would to the public purse be no more than a deduction from the saving which would otherwise originally have been made.

"Mr. Blackburn's estimate was £.100,000. for 1,000 prisoners: my estimate was £.19,000. for 1,000 prisoners.

"2. *Question 2d.* If you cannot undertake the building, state any terms upon which you would now enter upon a contract for carrying your plan into execution.

"*Answer.* What concerns the *building* being (as per answer to question 1, out of the question) as to what concerns *superintendence* (what I mean by it is, the entire management), the answer I have to submit is as follows:

"Should it be the pleasure of the Committee to give a correspondent recommendation to the competent authorities, I should be ready and willing to undertake the *superintendence* of the number before agreed upon; to wit, 1,000 male prisoners; viz. upon terms such as should not vary at all in substance, and in language should vary no otherwise than by the substitution of the real present value of the sum then agreed upon, viz. £.12. per head, to that value which by the rise of prices is become no longer real, but nominal. I rely for illustration, let me take a certain sum for an uncertain, and say £.20. Whether any such given sum (£.20.) money of the present day, 29th March 1811, would in the purchase of articles such as is in question in the contract, go just as far, or not so far as, or further than the sum of £.12. money of that day, August 1795, is a question which there is not (I suppose) a single gentleman in the Committee who is not at this moment better qualified to give a precise answer to than, at this present moment, after so many years, during which my endeavour was to keep as far as possible out of my thoughts every thing that could bring into them so many painful sensations, I can pretend to be.

40. Should

"Should it be pressed upon me, and insisted upon, (which I hope it will not be) that as present, and antecedently to any Report made by the Committee, I should set about making the necessary enquiries and calculations, this is a task I should beg leave to decline, and for the following reason :

J. Beetham, Esq.

"For the purpose of determining the eligibility of the plan, any such translation of *non* present money into *new* present money, would not afford the Committee any real information beyond what they already have without it. *Certum est* (says the law maxim) *quod certum reddit potest* : and if there be any cases to which this maxim is reasonably and truly applicable, surely, in my humble apprehension at least, this is of the number.

"To be explicit, so far as concerns prices and expenses, and pecuniary means and resources of all sorts, I must beg leave to decline, once for all, entering into any particulars beyond what are contained in the contract that was agreed on. Of the consequence of the discussions which any such specification would bring on, I am not altogether without experience. 'A special good bargain you are making for yourself,' says one. 'It will never do : it can't be done for the money : you will ruin yourself,' says another. Such was the language I used continually to beholding in conversation among friends. Now, to apply this to the case of a Committee of Parliament, considering, suppose, of a score of Members. By a majority out of one half score, the price is deemed excessive, and such that on *that* account the contract ought to be set aside : in a majority out of the other half score, the same sums are deemed deficient, and so deficient as to shew the undertaking to be impracticable, and such that on *that* account the contract ought to be set aside. In the case of each Member, as in the case of any individual taken singly, the chances are infinity to one that the quantum will not exactly quadrate with his views of what it ought to be. It is thus that a whole assembly, composed of two equal divisions, opposite to each other in every opinion about particulars, may as to the whole be unanimous against what may all this while, and without any imputation upon any one of them, have been perhaps the golden mean.

"In settling the terms of the contract with the Treasury, no such enquiries were ever made. I should not expect to hear that any such had ever been made in any other instance. If it had been said to me, 'After having been settled with us, the terms 'will be to be examined into and settled anew by a Committee of Parliament,' I should immediately have declined the business. *Conscience* being altogether out of doubt, I should not expect to find that, in point of *fact*, any such Committee had ever thought fit so to employ itself. In case of suspicion of fraud or delinquency in any shape, yes : but that is, I flatter myself, not the present case.

"By the next meeting of the Committee, if it should *not* be so early as to-morrow, I hope to be able to submit the remainder of such answers as I shall have been able to find, to the questions that are before me.

"I hope nothing like distrust towards the Committee will be imputed to me, for having thus forborne to present myself, as if ready to give sudden answers to questions for which it has been impossible to me, notwithstanding my utmost exertions, to put myself in a state of tolerably adequate preparation. When these answers have been received and considered, I shall be ready to give, to the best of my power, present answers to any such ulterior questions as may have been suggested by them, the Committee signifying to me their order for that purpose.

"I hope by that time to have sufficiently matured the expedient that has occurred to me, for meeting what I understand to be the wishes of the Committee, as to the accommodating the original plan to what appears at present the most pressing exigency ; viz. the reception of *females*.

I have the honour to be, with all respect,

Sir,

Your most obedient and humble Servant,
Jeremy Beetham."

George Holford, Esq.
Chairman of the Committee on
Penitentiary Houses.

Je Barbours, Esq.

Mercurii, 1^a die Aprilis, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Read the following Letter from *Jeremy Bentham, Esquire.*

“ Sir,
“ Queen Square Place, Westminster,
1st April 1811.

“ IN my letter of Friday last, March 29th, I contracted a lost of engagement to submit ‘ an expedient that had occurred to me, for meeting what I understood to be ‘ the wishes of the Committee, as to the accommodating the original plan to what ‘ appears at present the most pressing exigency; viz. the reception of females.’

“ What follows, is the result of my humble endeavours to fulfil that engagement.

“ One circumstance that has been mentioned to me, as presenting a difficulty relative to any such addition, is the difficulty which it has been supposed might attend the adjustment of the *ratio*. ‘ From the labour of the males, you would have (it has ‘ been said to me) your expected profit; from that of the females, you can have no ‘ equal expectation; taking 300 for the supposed number, what increase of terms ‘ then will you, in this latter case, demand for the supposed increase of numbers?’

“ To any such question I give this short answer—I desire no increase of terms.

“ Give me the number of males specified in the contract, viz. 1,000, and then under the same roof (preserving at the same time perfect separation) I will, at the same price per head, give accommodation to the 300 females. If at that price any profit be made upon any work done by these females, such profit rests with me. If loss be the result, at the same time that profit is made upon the males, I shall still be able to bear such loss, and I am content to bear it. If I make no profit upon the males, or if the profit made upon the males falls short of covering the loss upon the females, then and then only it is that I call for any addition at all; nor in that case do I call for any greater addition than what shall be sufficient to make me whole.

“ But you may have miscalculated (say honourable gentlemen), and the loss upon females may be to any degree greater than you can cover by all your profit upon the males. Possibly, answer I, and in that event the sooner the account is out of my hands the better. But my accounts will be kept in the plainest and clearest manner; and to a degree of copiousness and minuteness as yet without example. They shall at all times be open to the inspection of any lawful authority that shall be named; and if nobody comes to inspect, so soon as the symptoms of failure become visible to me, so soon will I of my own accord point them out. What should hinder me? In point of purse, in point of reputation, what should I get or lose by plunging deeper and deeper into debt and disgrace? Disgrace, in respect of probity as well as intelligence, would be the result of improper perseverance; disgrace in respect of probity at least, would be saved by prompt disclosure.

“ But the exigency respecting the females is (I understand) a very pressing one. If so, I am solicitous to do whatever may be in my power towards meeting the exigency with the utmost promptitude.

“ Gentlemen’s apprehensions (I understand) are pretty much alive to the danger of insurrection and forcible escape on the part of the males; such apprehensions will not (I suppose) be excited in equal strength by the females.

“ On the supposition of a surrounding wall of a sufficient height, without ladders or any thing within to climb over by, and, if gentlemen please, with a parallel ditch on the outside to let in the water upon any one who should attempt to escape by undermining; with this security, added to that of the inspection principle (a principle just as easily built upon in such a case as any other principle) in my humble view of the matter, the slightest temporary building that, with a view to dispatch, could be suggested, might be trusted to in such a case for safe custody. On the outside, in exterior watchhouses (such as one of my plans exhibits) in addition to the two which I should think proper to provide, gentlemen in whose view of the matter the above provisions would not yet be sufficient, might station as many additional guards as in their view might seem necessary. Of these guards, it being the destination not to see the prisoners, or any of them, but in the event, and at the moment of eruption, there would be no objection, I suppose, to their being of the stronger sex. Might not such a place as Chelsea Hospital be resorted to for this purpose?

"As to a site, land which would be capable of being put to this use, would (I should expect to find) be to be had at a very short warning; certainly at a month's warning, probably at even less. What I have in view is, a part of the land already purchased. Though there exists a part in it which I have heard called by the name of *The Hill*, I cannot indeed but wish it had been higher than it is. But if there be any thing in it dangerous to health, it is more than I ever heard from any inhabitant of it. To learn exactly how this matter stands, is in the power of the Committee. In former days, I remember hearing it said, that it was by the advice of his Physicians that the residence of the present Lord Grosvenor (then Lord Belgrave) was continued so long in this very spot. For assuredly there is no part of the ground in question lower than the spot which not many years ago he took in and converted into pleasure ground; and which from the ground in question is separated by nothing but a wall or ditch.

"In the providing of this receptacle, I should be happy in the assistance of any one gentleman whom the Committee, or any other authority recommended by the Committee, would be pleased to name; indeed I should not be willing to undertake the business without some such assistance.

"Let the money, for example, be lodged in the Bank of England, or if that cannot be, in the hands of some Banker, not named by either of us; at any rate they should not be those of any Banker of mine. No money to be drawn for but on our joint draft, specifying in each the person in whose favour, and the nature of the service.

"What I assume is—that, by this my *Guardian*, (such I take leave to call him) the Panspicon principle is approved. This being the case, supposing any difference between us, the ground of it would probably be, that he, as not being the inventor, would not have all the confidence in the potency of the principle that I, the inventor, should have. Such elements of security as to me would seem sufficient, I should accordingly state. Supposing them in his eyes insufficient, let him add such others as to him would seem sufficient, and at the same time necessary. There I offer to join in the provision of, on this single condition; viz. that whatever expense I should find myself unable to reconcile myself to, I should be at liberty to exempt myself from the responsibility of.

"The management might go on in the same way. I, not standing to profit or loss, always understood that the permanent establishment shall go on in its own train, and the sufficient means of dispatch shall be in my hands.

"This temporary establishment would serve as a sort of school of experiment with a view to the permanent one.

"Should it succeed, there would be no reason why the buildings should not be suffered to continue in use for the same purpose, as long as the charge of repair would render such continuance consistent with economy. Should it fail, Government might derive from experience sufficient reason for keeping out of my hands, or myself for forbearing to take into them, the permanent establishment; always supposing, that, by the now proposed temporary establishment, the permanent establishment shall not be delayed.

"Should it succeed, the official establishment, consisting principally at least of females, might either, as above, continue on the management in the same receptacle, or, fraught with experience, be transferred to the permanent establishment: if continued, there would be so much the more room left for the reception of an eventual addition to the number of the male prisoners.

"All this while, upon the face of the questions that lie before me, the alternative that I see, is—not between the number of 1,300 prisoners, that would be composed of the agreed-on number of males, viz. 1,000, and the now proposed or supposed additional number of females, viz. 300,—but between a total of no more than 1,000 (whereof 300 females, leaving 700 males) and a total of 700, whereof 300 females, leaving but 400 males.

"The proposed reduction being so considerable, looking out for the reason, what I have been able to collect, is—an apprehension about safe custody, in respect of the numbers and the vicinity of the metropolis.

"On this subject, what I have said elsewhere and in print, there can be no need of repeating here. If it has had the honour of being read, the result must be—that it has not had the good fortune to prove, at least for the present, satisfactory to the gentlemen here in question. Nothing that is in my power towards rendering it so shall be wanting.

J. Bentham, Esq.

" Let but room, sufficient for the number agreed on, viz. the 1,000 males *plus* the now proposed 300 females, be provided,—let but a possibility of coming back to the agreement be preferred,—the immediate fulfilment shall be waived.

" I hope honourable gentlemen will not insist on precluding themselves from the possibility of seeing the agreed-on number provided for on this plan, even though by themselves it should be ever so much approved. In good faith is there any thing so mischievous or so odious, or in economy, if economy be really adverse, any thing so much superior to good faith, that gentlemen should make a point of rendering the keeping of good faith impossible? This is what on the part of any honourable gentleman I can never believe, till I have the mortification of seeing it from his own pen, or hearing it from his own lips.

" As to the introducing the whole number all at once, what seems probable to me is, that, when the time for opening came, it is more than I myself should venture on. What then (it may be said) is the number you would introduce at once? My answer is, that, at this distance from the time of action, the fixation of a precise number would not, in my humble view of the matter, be consistent with the rules of human prudence. The building being erected, and the circumstances of the manner observed and considered, *then* would be the time for fixing on the first number. This for the *first* experiment: the experiment succeeding, then it would be, that, in proportion to the degree of confidence indicated by experience, the number would be enlarged.

" Seven hundred seems to be the greatest number of male prisoners, the existence of which, under one roof and one system of inspection, fixated, in the eyes of the honourable gentlemen in question, capable of being endured: 400 is the number to the idea of which, in the same minds, a greater portion of satisfaction seems to be attached. Let them then take either number, or any intermediate number at pleasure. Let them fix for me a *time of probation*: let them say and cause it to be ordained, that, till the expiration of the probationary *time*, the probationary number shall not be exceeded. Let them do this, or any thing else that to them seems reasonable and necessary, rather than secure to themselves the regret of seeing 500, or 600 prisoners, precluded from the possibility of being provided for, upon a plan which, by the supposition, they do not even *now* disapprove, and the utility and security of which will, by the same supposition, have been demonstrated by experience.

" But, if your agreed-on number of 1,000 males is reduced (it may be said) to 700, you will have so much the less profit wherewith to cover the above supposed loss upon the 300 females whom, unless your proposed temporary establishment be rendered *permanent*, you are to have at all events: and, if reduced to 400, you will have still less: while, on the expense of the official establishment, the reduction, if any reduction there can be, will be far indeed from being proportionable.

" All this I am fully aware of; and to this my answer is the same as to that respecting the introduction of the females, as above. Let the profit, so long as there is any, upon the 700, or though it be upon no more than the 400 *effluvia*, be employed in covering the deficiency produced by the *waagfession*.

" The superintendence bestowed by a prescientious assemblage of witnesses, and therefore unpaid, ungabbed, and uncorruptible inspectors, or in a word, by the Public at large, that is, by such individuals as curiosity and love of amusement (the most universally operative springs of action that apply to such a case) mixt with any better and rarer motives, may happen to attract; this is what, from first to last, I have all along spoken of as being among my principal dependencies, viz. for security against abuse and imperfection in every shape. But the banquet offered to curiosity, will be attractive in proportion to the variety, and (if such a term may here be endured) even the *brilliance*, of the scene. This will on a twofold account be as the magnitude of the establishment: first, in respect of mere physical magnitude, one acknowledged and principal ingredient (ask Edmund Burke else) in the composition of the *sublime*: then again in respect of the *expensé*, that would be required for giving to it whatever subsidiary attractions it might be found susceptible of.

" Even on the supposition, that, either on or before the completion of the permanent Panopticon, the use of the proposed temporary one would be discontinued, the expense of it would not be altogether lost. As materials, the materials would have more or less saleable value, and the consideration of such value might be taken into the account in the choice of them: wood for example, or iron, as far as it can

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be applied, removable with least loss: brick not without more loss: lath and plaster most loss. The objection might have a professional Report to warrant it.

"Of the four surrounding walls of the square, one might perhaps be so situated, as to be capable of constituting, with or without addition to the height, one of the walls of the permanent Panopticon: and, if, of the parallelogram containing the temporary Panopticon, one pair of sides were longer than the other, one of the longer pair might be taken for this purpose.

"I come now to that part of the question which concerns the difference in point of *cost* between Panopticons for the accommodation of the several numbers 1,300, 1,000, and 700 prisoners.

"For the reasons that were submitted in my former letter, numbers of pounds, arithmetical details in general, are a sort of answer which it is out of my power now to give. But, what cannot be denied in *figures*, may be rendered sufficiently clear by being stated in principle.

"The reduction in the expense of the building—was this, among the considerations, that suggested the wish to see the proposed reduction made upon the number for which provision should be made?—Upon a second glance, any thing that by any such reduction as is proposed could be made under this head would be found much less considerable than, on a first glance, may have been supposed.

"To understand this,—two thousand was at one time,—but let us now, for the standard number of prisoners to be accommodated, take no more than the above proposed number of 1,300. From this standard number let the two several proposed reductions be measured. By reducing it, in one case to 1000, in another to 700, the saving in expense would be far less than in proportion to the number. Why? Because there would be so many parts,—so many masses of brick, or iron, or wood—that in dimension would require to be nearly the same in all three cases.

I. BUILDING.

1. "In the first place, the Inspection Tower, including the Inspector's Lodge—which is at the same time the proposed room for the reception of visitors from the public at large. The need of visitors, and consequently of a comfortable and spacious apartment for their reception, would be the same in all cases.

2. "In the second place, the like may be said, and with little or no difference, of the surrounding wall, and of the walled avenue or approach that would be to be cut through it.

3. "The like may be said, and without any variation, of the proposed external guard houses, as per Plan; and of the proposed ditch or canal which, except where cut by the approach, was to surround the surrounding wall.

II. OFFICIAL ESTABLISHMENT.

"In its principal and most expensive parts, the numbers of the persons in the Official Establishment, and consequently the expense would be the same. 1. Sub-Governor constantly resident. 2. Chaplain. 3. Medical Curator. 4. Chief Book-keeper. 5. Chief Jailor. 6. Turnkeys, one at every entrance. 7. Porter at the entrance, for the reception of persons at large in the character of spectators. 8. Watchmen or Patroling Guards for the external Guard-houses. 9. Chief School-master, if any such official character were introduced.

"These I believe are the principal, though assuredly not all, the items of expense, which would be the same on all three scales, on the smallest as on the largest; and, the fund for this expense being to decrease in exact proportion to the numbers expressive of the three scales, a proportionable supply would be to be provided: the amount of the supply, it being to be provided at the public expense, would give the degree of disadvantage which, in point of economy, would be the respective results of the two several reductions. Upon the standard scale, number expressive of the source of supply, 1000: upon the two several reduced scales, numbers expressive of the source of supply, 700 and 400.

"Note, that, in case of the proposed addition of female prisoners, an official establishment composed of persons of that sex would also be to be added.

"I have spoken of 1,000, as being, without impropriety, capable of being taken for the *standard number*, with reference to which any proposed lesser scales may be termed *reductions*. My reason for speaking thus is as follows:

"The

J. Bentham, Esq.

"The number agreed on per contract in 1795 being 1,000, on the 25th March 1800 it was, that I received a letter from the Treasury, mentioning the concurrence of the Duke of Portland (then Secretary of State), and 'acquiescing me (such are the words of it) that the proposed building of a Panopticon is to be calculated to accommodate two thousand persons.'

"The date of my first proposal is 15th January 1791. There had then been nine years and upwards passed in consideration, or at least applicable to the purpose of consideration, and, in very high places no want of desire to find grounds, had such been to be found, not merely for reduction, but for annihilation: and, at the end of these nine years, what is the result?—not any *subtraction* from the number originally agreed on;—not any *subtraction* from it, but a *multiplication* of it.

"In the character of a testimonial,—declaring that whatsoever confidence had, five years before this, been reposed in me and my plan, was at this time doubled,—a testimonial not less valuable in effect for not being such in form,—this letter is of no small value to me.

"True it is, that, to this *multiplication*, succeeded, and at no very long interval of time, an operation of the opposite kind, viz; *division*: division of the 2,000 by 4; quotient 500; hesitation between this number and number 0.

"Three-fourths struck off?—one-half from the number originally agreed on? three-fourths from the number indicated by second and maturer thoughts? Struck off, and for what reason?

"To extract a complete answer to this question, if such were the pleasure of the Committee, would (I suppose) be within the competence of the Committee. All that I shall presume to say is,—what to the present purpose it seems necessary for me to say,—viz, that any abatement of confidence, either in the Plan itself, or in the Author of it, would (I think) not be found to be in the number.

"Of the several questions that lie before me, that which regards eventual *compensation* is the only one to which it remains for me to submit my answer.

"But, considering that the rescission of the contract is the only event in which any provision on this head will come to be made, I hope to stand excused for wishing to defer giving any answer on this head, until intimation of a determination to that effect shall have been given to me.

I have the honour to be, with all respects,

Sir,

George Holford, Esq.
Chairman of the Committee on
Penitentiary Houses.

Your most obedient and humble Servant,
Jeremy Bentham."

Jeremy Bentham, Esquire, again called in, and Examined.

IN the case of a House of Correction, where the food, clothing, and other articles for the use of the prisoners, must be furnished, by Act of Parliament, by some other party than the Governor or Keeper, does not the circumstance of their passing under the eye of the Governor and his servants furnish some security that the prisoner shall be properly supplied; and what would the public have under your contract, as a substitute for that security?—The question seems to me to consist of two parts: the first part I answer, without hesitation, in the affirmative. I can scarcely recollect what the substitutes are, without turning to my book. In the first place, the *books of accounts* are open to be inspected at all times: in respect of *interest*, the contractor, upon my plan, contracts for their longevity; he insures their lives; therefore no life can be lost but he pays for it, he loses by it. In the next place, a man cannot work without he lives, and my profit comes from their work: it is my interest that evil should not happen, and evil will not happen so far as depends upon me.

May there not be a deficiency, in regard to the quantity of the food and clothing, which would not immediately show itself in its operation upon the health and strength of the prisoners?—Yes; if I had them for a week or a month. But I have them for a number of years: therefore, if I saved a trifle whilst they were languishing, that saving could last but for two or three weeks or months, and the loss would be a loss for years.

Does not that answer apply rather to constant deficiency, than to a deficiency for a few days?—Yes; but even that would be productive of visible effects upon the health of the prisoners. In a situation such as mine is supposed to be, a man will

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not depart from the line of rectitude for a small advantage; especially if he would thus be a loser in the end. *J. Southern, Esq.*

If the Governor or Keeper of a Penitentiary House should not be prohibited from selling articles to the prisoners, what security would there be, that the prisoners might not be allowed to purchase improper articles?—The security would be this: that no such improper article ever could be administered or made use of, but it must be administered or made use of in the face of the whole public; or at least such a section of the public, as I could not have an opportunity of blinding, because the establishment is to be open, at all proper times, to all persons.

Are you aware that prisoners often come into prison with different sums of money in their pockets?—It is in my power to search those pockets; and it is in my power to give them the prison clothing; and therefore they would have nothing in their pockets.

Was it a part of your plan to take from them any money they might have belonging to them?—Certainly not.

The question concerning the purchase of improper articles by the prisoner applies to the possibility of prisoners living in more or less luxury in the prison, in respect to the different sums of money they may bring in?—If I saw any living in more luxury than I thought proper, it would always be in my power to prohibit it. I can set lay down in words the exact quantity of money I would suffer to be spent in that way: if what I did not look upon as a luxury, were looked upon as such by the higher authorities, in that case, if I did not stop it myself, those higher authorities would stop it.

The question repeated?—The security is, that every thing of that sort will be entered upon a book. In the first place it will be seen by every person who comes into the central part, what it is they saw, and what they consume; and in the next place it will be seen what it is they buy; every thing they have will be seen.

Do you mean that the public will be admitted at all times into the Inspection Room?—Not at every hour; but all persons in authority, and to whom it may be thought fit by Government to give that authority, shall be at liberty, and to them my books shall be open to inspection at all times; and, if I do not keep those books, that shall be a sufficient ground for taking the business out of my hand at any time.

Do you mean that you would enter in those books every article that the prisoner should purchase in the prison?—I should think so; they can use nothing in the Prison but I and all the Officers must see it.

The question is, what security the public has, that though the officer sees it, it will not be permitted and connived at?—Because it is entered upon the books, which books will be liable to be seen by all proper persons at all times, and, as is the practice in Auction Rooms, might be made to lie open to the inspection of visitors in general at particular and proper times. At those times a person authorized by Government may come and see it in his own character, or commission some other person to come and see it. Spirituous Liquors the prisoners will at any rate not be permitted to receive; if there be any thing else, the introduction of which is by the authorities in question thought fit to be prohibited, it shall not be introduced.

Do you mean that persons coming to see the prisoners in the way you now describe would be permitted to have free intercourse with them, to go close to them?—No; what I have always had in view is, that at least at any rate, and I suppose definitively, the intercourse should be carried on by what I call a *conversation tube*:—the voice may be carried by it to any required distance; by experiment several hundred feet. The annular area by which, on my plan, the part to which visitors have access is, from top to bottom, separated from the nearest part to which the prisoners in their cells can come, 10 or 11 or 12 feet wide. At this distance there would be no possibility of delivering any thing into their hands but by the intervention of some officer.

They would not even see each other?—The visitors would see the prisoners, but the prisoners would not see them, unless I chose to undraw the curtain or blind, and thus suffer them to be seen.

What security would the public have, in case of the Governor and Keeper of a Penitentiary House not being prohibited from selling articles to the prisoners, that the prisoners would not be obliged to pay extravagant prices for even proper articles?—I see no objection to the Governor's being permitted to deal with them, at his own prices. There is this check upon it; if for such proper articles such extravagant prices are demanded of them, what is the consequence? If they have families, they give it their families, if not, they hoard it up; they do what else they please

J. Bentham, Esq. with it. I look upon this security, with the addition of book-keeping, as sufficient; but if there are Gentlemen in whose eyes this security is not sufficient, they have only to say so, and to devise such further checks as they may think proper. Under my plan, for keeping out improper articles, there are much greater securities than can be under any other: and in case of my exacting too high a price for proper articles, there exist under my plan, facilities for supplying such abuse, such as exist not under any other. You will please to observe, that I make my Report every term, and I subject myself to answer to all questions (self-contradicting among the rest) which the Court may be pleased to put to me, or the Court, or any gentleman at the bar, or any other gentleman standing up as an *amicus curiæ*. And, in respect of this check, a question, not unfit to be considered, may be—whether upon any other plan there would be the same readiness to submit to this sort of examination.

Do you think that any Report which you could make quarterly to the Court of King's Bench, could involve the minute details of the various articles that might be sold to the prisoners within the prison?—Certainly not. But that would be the time, if any body saw anything to object to what had been done, for such person to suggest it: and then I am bound to make immediate answer to all such questions as shall be put to me in relation to it. Now, if nobody will come to suspect me, that is no fault of mine, no fault of my plan. By my plan, I do every thing I can to trace persons to suspect me; if those whose duty it is to inspect me, do not, that is no fault of mine.

Whose duty do you allude to?—That of any person whom Government may choose to appoint. Who that person ought to be, I do not take upon me to say; what I do take upon me to say is, let him not be a permanent person. If he be permanent (by the supposition in so far as it is worth my while to be diffident, I am so) I shall see that person; therefore it is, I say, make that person changeable, and change him.

Do you suppose, that any inspection that Government would furnish, could be able to examine all the articles furnished to the prisoners, as to ascertain that the Governor or Keeper, having an interest in the sale of the articles, sold them at a proper price?—The books might be made to comprise the price at which he sells every article, and I suppose would;—and they might look upon those books.

Would those books be sufficient, without viewing the quality of the articles?—No; they could not of themselves;—not without enquiring into the quality of the articles: and for that enquiry, and every other sort of enquiry, I say my plan affords facilities which no other plan can afford.

Do you not know that in general the Governors of a House of Correction are absolutely prohibited from having any interest in the sale of any article in the House?—I dare say they may, and for very good reason, because there are not such checks upon them, as would be upon me.

What checks have you beyond any other House of Correction?—In any such House the books are not so effectually open to inspection; there is no provision with regard to the books;—there are not so many persons interested in making enquiries. The concern in question is so much more public;—and the same cautions and anxieties by which, antecedently to adoption, so many searching questions have already been suggested by superior minds, might surely, after adoption and during execution, be depended upon for presenting the like questions in sufficient abundance to inferior minds. So far as concerns myself, it is matter of little or no anxiety, at least in my present view of it, whether the faculty in question be left or taken away. As to the general question, my opinion is asked for. My real opinion is the only opinion I can give.

Would you feel any objection, supposing Government now to enter into contract with you to such further checks being required as may be thought necessary, with a view of securing to the public a faithful and due performance of the contract on your part?—I feel no sort of repugnance to that, in the manner in which it is stated to me. I cannot know what those checks might be, but I feel every disposition to submit to them.

You have stated that you had no objection to any person being appointed on the part of Government to watch over your conduct, and visit you from time to time, to report any breach of contract or abuse that might be fit to communicate to such authority; now the question I propose is, if any such check were proposed, should you have any objection to the appointment of a resident Inspector on the part of Government?—Not at all. You may have one resident Inspector, or as many

many as the spot will hold; fixed or changing, selected or casual; for inspection is just what I want: my reputation rises out of it.

Supposing such Inspector should report that articles have been sold too dear, what mode of proceedings should be adopted to settle that question?—With submission to those who devise the check, it seems rather for them to propose the mode. In my eyes, checks of this sort do not possess that importance which they appear to do in others. As to the right in question, in my own particular and for my own life, I would give it up, if gentlemen chose to insist upon such surrender, as thinking it of use. But make it the case of any person not connected with me, considering the other checks that are provided, I should give as my opinion that which is not, if I were to say it would be of use.

By whom is any dispute that may arise between you and the Inspector to be determined?—In my view of the matter, to propose any such arbiter belongs rather to Government than to me.

Can you state any effectual check that would arise from the appointment of this Inspector against the evil supposed, of articles being sold at an extravagant price?—I have already stated, that in my eyes it is no evil; but if it were worth while, I think checks sufficient and effectual might be devised. These checks would indeed be attended with expense, which expense would, in my view of the matter, be thrown away: yet still they would be checks. An Inspector might be bribed, or he might refuse to be bribed. What I proposed was, that at any rate the Inspectors should be changed.

By the 8th article of the contract, the convicts are to be each supplied with a bed and bedding of sufficient warmth, and all possible attention is to be paid to the cleanliness of such convicts and prisoners in every respect, as far as circumstances will permit; and by the 9th, the Penitentiary House is to be sufficiently warmed, and every proper precaution taken to prevent the same from becoming infectious and unwholesome, and to preserve the convicts and prisoners confined therein in good health; who is to be the judge, under this contract, of the sufficiency of the bedding allowed, of the sufficiency of the mode of warming the building, and of the arrangements to be made under these articles for preserving the cleanliness and health of the prisoners?—The judge of all these things must be, I think, the whom Government pleases; be he who he may, it is easier for him to see in my influence whether they have all these things than in any other establishment.

Is there any person mentioned in the contract to inspect the due performance of these articles?—I do not know that there is; but it rests with Government to appoint any such person, and I have no objection to it.

Do you mean that you would be bound by the opinion of such person, in case you should disagree with him?—No; it is rather too much to be bound by the opinion of a person I know nothing of.

What security then can you offer for the certainty of the due performance of these articles?—For the performance of all contracts there are sureties which, in general, are looked upon as sufficient securities. Here (I mean in my establishment) is evidence, such as you cannot find in any other; and there are Courts of Justice to receive it. In respect of promptitude, the practice of these Judicatories is not sufficiently adapted to this purpose, it is for the proper authority to say so, and devise some other Judicature that shall be more prompt.

In what way is any failure in the performance of this article to come before a Court of Justice?—It comes regularly before a Court of Justice at the time of my making my periodical Report. If the Court of Justice have sufficient powers already to act in consequence, then it is well; if they have not, then give them such sufficient powers.

What is to point the attention of a Court of Justice, when these Reports are made, to any instance that may have occurred of deficiency during the preceding quarter?—The suggestion of Inspectors; viz. either of Inspectors appointed for that purpose, or of such informers as may present themselves, it being the principle of my plan to invite such informers; and, for sources of evidence, my books will have every publicity that Government may choose to give them.

Is then the Penitentiary to be open at all times to the inspection of the public?—It will not be open to all persons at every hour of the twenty-four.

Are the public to be allowed to go within the cells?—Certainly not; but any masters of trades that may have occasion to deal with them, or to whom it might be necessary to go to them, for the purpose of instructing them. In each case it would be for me to consider—whether, in the instance of the persons in question, communication,

J. Boulton, Esq.

cation, as between instructor and pupil, were fit to be allowed; and whatever I could do without actual contact, I should do without such actual contact.

What security has the public under the contract, which leaves the time to be employed in work at the discretion of the Contractor, that sufficient time would be allowed for the instruction mentioned in the eleventh and thirteenth articles; or, that any encouragement would be held out to the prisoners to attend to the Chaplain and the Schoolmaster?—As for instruction, their instruction is my advantage. Reading, writing, and arithmetic,—the more of them have the possession of those accomplishments, the more useful they will be to me. This is to be on Sundays: and I have no means of gaining from them on a Sunday: and, as I must pay for Schoolmasters, these Schoolmasters may as well be doing that as doing nothing at my expense.

Do you mean, that no such instruction is to be given on any other day, except Sunday?—I do not know. I mention Sunday as filling up an interval, which otherwise would be filled up with idleness, and with thoughts that would not be so useful to them, as those thoughts that would arise from instruction. I did not think of any other day. On any other day, if I found it for my advantage to give them instruction along with or instead of work, I should give them that instruction along with or instead of work.

Is it not likely that under a contract of this kind, encouragement and indulgence would be given to prisoners, rather in proportion to their abilities as workmen, than to their apparent contrition and reformation?—Indulgence and treatment of every sort must be governed by appearances: there may be apparent contrition where there is not real. I am no searcher of hearts; I can judge only from appearances. Indulgence will be in proportion to their earnings. I provide for them a certain proportion of their earnings, and that is the indulgence they would all have.

Is there not danger that the prisoners should be valued, and consequently indulged, rather in proportion to their work, than in proportion to their contrition and reformation?—In the question thus put to me the leading terms seem, to my humble apprehension, so general, that without entering into discussions of considerable length, I should not know how to give any answer more particular than what I have just been giving. In one of my books there is a good deal of matter that bears more or less closely upon this subject*. If, as on that occasion I did, I understood in the present occasion, whether any and what specific remedy were in view against the supposed danger, I should feel less difficulty.

Have you formed any opinion on the question of allowing prisoners of the description committed to your charge to see their friends?—On my plan they might be permitted to see their friends with less difficulty than on any other; and their friends might be permitted to see them at all proper times without difficulty.

Can you particularize what nature of intercourse you would allow between them and their friends; would you permit the friends, in any case, to go into the cells?—That would depend upon character; I should be much disposed to use a discretion upon that subject if I were not restricted. There may be particular times for that; but I see no use in people's going into their cells, because there are those tables by means of which they could converse; they might converse across the area, which is about twelve feet wide. There is no need of actual contact between friend and friend.

Might not some indulgence in regard to seeing friends, be allowed to a prisoner who is meritorious, rather than to another prisoner?—Every sort of intercourse which is attended with no danger I should most certainly be disposed to give every facility to, as a point of common humanity: it is attended with less danger and difficulty on my plan, than any other.

May not a prisoner who has merit, be allowed a greater indulgence in regard to seeing his friends, than one who has less merit?—That would depend upon my apprehension of danger, or consumption of time.

Would not you have different modes of employing prisoners, some of which were more, and others less unpleasant in respect to trades?—Yes; my object would be to look out for such as were most productive, and that there was no special objection to: for example, on the score of health. There are unhealthy trades exercised by men in a free condition, such as I would not, in such a condition as mine, think of putting men to: but, supposing a man bred up in an unhealthy trade, and trudging to it for subsistence all his life, I see no reason why he should be taken from that trade.

Do you reserve to yourself the power of judging, whether or not a particular person

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* See PAROLEMEN, I. c. 26, p. 15. Also PAROLEMEN, Part II. § 1. In Appendix, pp. 30 to 347.

who comes in, shall be put to this unhealthy trade, or to any other?—I have no objection to the being precluded from putting to an unhealthy trade, any man who has not been bred to that unhealthy trade.

Have you any objection to a clause being added to the contract, to prevent any trade which persons appointed by Government should deem to be unhealthy, being carried on by the prisoners?—That I may have a more clear understanding of that question, I should be glad the distinction were made—whether trades unhealthy to the individual employed in them, or trades looked upon as unhealthy to the whole Establishment.

The question is applied to both?—I should have no objection to a clause to that effect: but with this difference, that if they are only trades looked upon as unhealthy to the individuals, if the individuals have been bred up in those trades, I see no reason for being in all cases obliged to take them from those trades; since in such case I should be sure to lose the benefit of one share, and they of another share of their earnings. There is scarce a trade so unhealthy, but that, by intervals of cessation, and thence by alternation with other employments, it may be rendered innocuous. In the postscript to Panopticon, Part II. pages from 90 to 147, are occupied in advocating such alternation: and, in pages 93 and 144, with a special reference to health. In my supposed situation, I should be more at liberty to give indulgence in this respect to the prisoners, than in their free state they had been to give the like indulgence to themselves:—and with less, if any loss.

If the Chaplain should think the degree to which the practice of seeing friends was carried, or any other practice in the goal, objectionable in a moral or religious point of view, on whose judgment must the correction of it depend; or should he think the association of any particular individuals who might be employed together, objectionable on the account of their habits or character, will it not be entirely at the pleasure of the Governor to separate them, or continue them together?—That, like every thing else where there is no particular restriction, will remain at the pleasure of the Governor; but subject to what judgment may be given to the contrary by the superintending authority, whatever that may be. The Chaplain is, by that supposition, the informer against me if we do not agree.

Is any such superintending authority in contemplation in this contract?—I do not know that there is, I have not looked at the contract. All I can say to that, is to declare my readiness to submit to any superintending authority, in any form Government shall think fit to appoint.

Do you mean that you would add to your contract an obligation on your part to conform to the opinion, upon those points, of a person or persons to be appointed by Government?—Not upon all points whatsoever; there must be some person to judge between us. Without knowing what it may be, I cannot engage to do whatsoever it may happen to any such unknown person to bid me do.

What security is there that under this contract the prisoner may not be overworked?—There is the security that he will find it more easy to complain in my establishment than in any other: and there is the other security, that, if he is overworked, to a considerable degree, he will be in ill-health, and I shall be the loser.

Why has he more opportunity of complaining under your system than any other?—In the first place, because he has more easy opportunities of intercourse for any such purpose with his friends. In the next place, because there is not only a resident Governor, but so many other official persons who will be constantly resident in the Inspector's Lodge, to any of whom it would always be open to him to make complaint. There is the Chaplain, there is the medical Curator; there are the Inspectors.—I believe these are specified;—and he is every moment of his time under the actual view of an indefinite number of other persons, on condition of their making use of their eyes.

Are not all those official persons whom you mention appointed by the Governor, and removable at his pleasure?—Doubtless they are, and must be. But suppose any such official person to be under apprehension of any displeasure, and by that apprehension to be stopped from making any complaint, or from appearing active in making or promoting such complaint, he has nothing to do but to mention it to some person unknown to me, and that unknown person makes the complaint.

May not persons appointed by the Governor, be prevented from the preferring complaints against him by goodwill towards him, as well as from fear of his displeasure?—That is always possible. But suppose them all in league, with the Governor, against the prisoners, this will not prevent complaints from being made against him and them by the prisoners.

J. Baileys, Esq.

Will not the intercourse of those persons with the prisoners be regulated by rules and directions to be made by the Governor?—No such rules or restrictions could be of any avail to prevent such intercourse between the several prisoners and the several members of the official establishment; and to these may be added, the employers and instructors of all sorts, whom the Governor must admit to come within hearing of the prisoners, on pain of losing his profit out of their trades. In general they would be completely within hearing, each of them of every other, either of them raising his voice to any considerable degree, and in which they would be in the pleasure of any member of the official establishment, by means of the conversation table.

May there not be many cases in which a prisoner would communicate a complaint to a person whom he knew privately, which he would not be willing to make to those to whom he must thus speak in the presence of the Governor?—Certainly, but it would be very easy for the prisoner to say any thing to any member of this official establishment as, to the Chaplain, for example; to the Surgeon, for example; without its being known to the Governor what he says. What might be known to the Governor is, that the prisoner in question wishes to converse with the subordinate officer in question: but, if they have recurred to the conversation table, it would not be known what either of them said to the other; and as with regard to the prisoners and their respective friends—they would converse with one another in whispers.

What means have these official persons of obtaining redress for a prisoner in case they might think he had just cause of complaint?—I have already had occasion to mention means, which to me seemed to be perfectly effectual. This was upon the supposition of ill-will between a subordinate and the Governor, and it was, that such subordinate might mention the matter to any person unknown to the Governor: which unknown person might come forward with the complaint. Thereupon it was that it was asked, If they all agree with the Governor, what is to be done? and thereupon it was, that it was answered, That the dependence must be upon the communications the prisoners might make to their respective friends, who would be coming to them at all proper times; it being known that they converse with these their friends, but it not being known what it is they communicate to them. The prisoners have, all of them, a common cause; and where so it happens that this or that prisoner has no friend of his own to visit him, he mentions the matter to some other who has.

Of what use would their mentioning the complaint to a third person be, unless they came forward themselves in support of it?—The third person says, there is such a prisoner who thinks he has ground of complaint; this he says to the Governor; this he says, if he pleases, to the whole official establishment: for the whole official establishment I suppose to be in one large room; and thereupon (naming such or such a prisoner) he says, It is supposed, that he has such and such reason for complaining. Now that examine him, and let us hear what he has to say; whether he really has any such ground of complaint; and whether any other prisoner can speak as to any such ground of complaint. This then is what may be done: and I have a *Complaint Book*, in which complaints are entered.

To what judicial authority is it supposed the complaint is made?—By the supposition, the grievance is looked upon as having the Governor for its author, and the complaint is made to the Governor, he being requested to redress it. But that there may be a check upon the Governor, it is made in the presence of other members of the official establishment; and application is to be made for its being entered in the book. If that entry is refused, the man, whoever he is, says, "I made such a complaint, and desired it might be entered in the book;" and it is not entered in the book. He thereupon makes it public; he puts it in the newspaper if he pleases.

To what superintending authority do you now allude?—To the same superintending authority that I understand to have been supposed to exist on several preceding occasions. There is a superintending authority of the public, there is a superintending authority of the newspapers, and I imagine the eyes of the newspapers will not be closed upon such an establishment as this.

Who will have the power of granting redress?—The same superintending authority the existence of which there has already been occasion to suppose in several instances.

Has the Court of King's Bench any power under this contract to do any thing more in the way of granting redress to prisoners, than dissuading the Governor for ill behaviour?

behaviour?—I make no doubt of their having sufficient powers, in a summary way, of *J. Rantow, Esq.* correcting every abuse of the sort in question.

Do you mean that by the contract, or by the general law of the land?—By the general law of the land, if it is an abuse prejudicial to the persons of individuals by the contract, I am obliged to appear before the Court of King's Bench.

Supposing the Chaplain should be of opinion that persons were permitted to associate together, who ought not to be allowed, and that a complaint of that kind were made to the King's Bench, would there be any power in that Court to direct the Governor to disallow the continuance of those persons together?—Whether there would be any direct power or no, I cannot answer at this instant. But there are many things that the King's Bench do—not by direct power, but by an indirect power. We propose to you (say they) to do this or that thing; if you do it not, we shall have an ill opinion of you: and then, in my supposed situation, I stand exposed to the displeasure of the King's Bench, in a degree in which no other person does.

Have the King's Bench any power of controlling the conduct of the Governor, while he continues Governor, or any other power over him than that of dismissing him for misbehaviour?—The Court will say, — We look upon this as contrary to your duty; if you persist in it, we have the power of dismissing you for misbehaviour, and we must exercise this power to that effect.

Could the contract be discontinued by the Government, in case the experiment of reforming offenders should fail from a want of judgment in the system pursued for that purpose by the Governor, or from any other cause than the misbehaviour of the Governor?—The word *misbehaviour* appears to me a word of such latitude, that it would be in the power of the Court of King's Bench to give any construction they should please to it; and in the case in question, all I should have to depend upon, is their own prudence; they acting in the face of the public on that occasion as they do on all other occasions. The construction of every word in the language belongs to the King's Bench, as it does to every Court of Justice, for every purpose that is within the cognizance of that Court.

May there not, in your opinion, be many erroneous modes of management in regard to reforming offenders in the Panopticon, which would not amount to misbehaviour, for which the Governor could be dismissed under this contract?—They might not be erroneous modes to the purpose of warranting dismissal the instant the consideration of those modes came to the cognizance of the Court of King's Bench. But if the Court of King's Bench were to say “this mode of contract is of the “*number of those that we look upon as erroneous, and to such a degree erroneous, that “if persisted in by you, we should look upon you as incompetent to the manage- “ment;”* if in that case, and after such notice, I should persevere in the practice of any such erroneous mode, it would be very sufficient cause for my dismissal; and whatever it appeared in my judgment, such it would necessarily appear in the judgment of the Court.

It was provided, by the 49th section of the 15th Geo. 3. c. 74. that the Committee to be appointed, and that Act, to manage the Penitentiary House, should report any offender in whom they should observe, or be informed of extraordinary merit or diligence, in order that his confinement should be shortened. Is there any possibility for shortening the confinement of offenders, in consequence of merit, in your judgment; and could such a practice be made compatible with the system upon which you are to conduct the prison?—I looked upon all those provisions as entirely superseded by my contract. The contract was entered into upon the faith of a subsequent Act, therefore I never took them into consideration. I should not be very willing to submit to them.

As the provisions of the 15th and 16th articles, which subject you and General Benthams to annuities and contingent payments during the lives of all the offenders who have been committed to your charge, were any funds provided for those payments after your death?—My answer to that article, as to the 15th, is given in the terms of the articles viz. that it is to be determined by two referees, &c. This is a condition, the fulfilment of which, I think, must depend upon our solvency, and that will depend upon the profits we shall be able to make.

The question extends to a period after your death?—If any successor takes the contract, it must be on condition of his submitting to the same article.

Would not many of those contingent payments be likely to arise long after the contract was determined?—I cannot say but what they might; and if so, whoever it

J. Bentham, Esq. it is in whole favour the stipulation is made, would have recourse to me during my life, or continuance in the situation: after that, to my successor, whoever he were: which successor, if the Government approved of the article, would have that article tendered to him for acceptance, along with the other articles; and, in case of such acceptance, would be bound by that article.

Do you then mean, that in the event of Government taking the Panopticon into their own hands, on the death of yourself and General Bentham, no more of those contingent payments were to be made by the representatives of you and General Bentham?—Yes, to the amount of their debts, they would be to be made.

Was General Bentham a party to this contract, or was it optional in him to claim the benefit of it on your death?—I look upon it as optional in him.

You consider this as a fulfilling contract; and the steps you have taken, and the money you have expended, you consider as taken and expended in part performance of that contract?—Most assuredly; if it is in the power of any contract to be binding—binding between persons in power and persons not in power—I do look upon this contract as binding in my favour, and such as, to my benefit, ought to be considered as having been executed by Government at the time at which it ought to have been executed.

You however consider that the pecuniary terms of the contract, if now carried into effect, must necessarily be varied?—Yes, varied in expression, were it only for the purpose of being kept the same in substance; but such variation on my part, videlicet, variation in the mere expression, I do not call a departure on my part.

Whether you conceived the contract completely closed?—Yes, I did; and I do believe orders were given to the Solicitor of the Treasury to prepare the instrument itself for signature, and that the instrument was prepared accordingly.

Mercurii, 3^o die Aprilis, 1811.

GEORGE HOLFORD, Esq. in the Chair.

Mr. James Ince, Keeper of the County Gaol, Holford-Lane, Southwark, called in, and Examined.

Mr. James Ince.

HOW long have you been concerned in the management of prisons?—I have been 33 years next May, as Public Officer in the county of Surrey, and 25 years Keeper of the Common Gaol of the County, part of which time a House of Correction has been adjoined to that, I believe about eight years; it was all built for the Common Gaol, after I came back again, twelve years ago, (having left the gaol for a time, from a bad state of health). The Gentlemen wished to have the old House of Correction abolished, and to take part of the gaol for the purpose of a House of Correction. I think that is about eight years ago.

Have you seen many prisons and places of confinement in different parts of this country?—I have, in most parts of the kingdom.

Is it in your opinion probable, that many offenders might be reformed by a proper degree of separation from each other, by employment and religious instruction during their confinement?—Yes, certainly; keeping some apart, particularly of nights, I think is one of the most advantageous things I could ever find out myself, and as much in the day as can possibly be; but that would be impossible, in such a gaol as ours, where our average of prisoners is from two to three hundred.

Do you find many prisoners who are disposed to work, if you furnish them with employment?—Under particular circumstances I have had them, although ordered to work, refuse it frequently, and particularly when at the first opening of the part of the prison which is called the House of Correction. It was then proposed by Sir Thomas Turton, I think, and some other gentlemen, for the best of all purposes that I know, that they should not have any accommodation to see their friends, and I found that that was not the way to make them work, but that the keeping out their friends was the great objection; and therefore it was proposed, that they should, whilst they continue to behave well, have the opportunity, an hour and an half, that is

from

from half past twelve to two, to see their friends; each sort of friends that I thought it proper to admit. I then found that consistent, for then they went to their labour with comfort and pleasure, and did the moderate labour laid down by the Committee to be done: 22 pounds of osakum to be picked in the summer half year per day, and 18 in the winter; and they were employed also in drawing yarns for Navy purposes. We have no other mode of employment, excepting a little knitting at times; that does not turn to much purpose; but that is only used in the Common Gaol, not in the House of Correction. At times, notwithstanding all that, I found some refractory. As for putting them in solitary confinement, I found that did not answer the purpose (near London) as it has in different parts of the kingdom. I have hit on an expedient to the following purpose; viz, that when they did not do their work or committed any other offence against the orders of the gaol, I then prohibited them from seeing their friends for a certain limited time, a day or a week, till I brought them to a sense of their duty; and I found that answer the purpose better than any severity or any thing else that I ever tried, for the others had their eye upon that, and therefore they endeavoured to conduct themselves better.

The trades you carry on require no implements, do they?—Yes; there are iron spikes.

Would it not be necessary, in the system of imprisonment by which it is expected that offenders should be prevented from returning to their former habits, to cut off their intercourse with their former associates whilst in prison?—That is always done with me, and always was, but that might not be done with every Keeper of a gaol, because they cannot know the different people as I do, from experience. I never suffer any man that I know has been tried, or any other person of public notorious bad character, to come within the walls of the gaol.

What are the descriptions of persons you call the prisoners friends?—I mean relations, and persons of decent character.

Supposing a relation a person of bad character?—I should not let him in. I have made a point, if I knew any person that had a bad character, not to permit him to enter the gaol. I imagine, that if they were prohibited from seeing their friends; when we order them to work, they would say, they would not work without they had some sort of indulgence; then I would put them in solitary confinement, and put their work to them; they would not work. What would be the answer? Then you shall not have your allowance—well, they do not mind that; and I have always found temperate widge more beneficial than harsh treatment to desperate offenders.

Have they any share of their earnings?—Yes, one-third is deducted from their earnings for the Superintendent who attends their work, in order that he may not neglect his duty in giving them a supply of work; that person is appointed by the County, he has one-third; as to the other two-thirds if when their time is out they live at a distance, I give them so much as will carry them home, so that they should not return to any thing improper till they get into employment; and all the rest of the earnings of prisoners is laid out and expended under the direction of the Secretary and myself, for coals, beef, mutton, and to make soup regularly for them in the course of the year; so that besides one pound and a half of bread a day, they have this support and comfort, which makes them bend their shoulders to their labour, because it keeps them comfortable throughout the year.

Is any part of their earnings given to them in money?—No, they have not the means of making the best of it as we have.

Do you class them in messes?—Yes.

Do they all earn equally?—According to their strength.

Is there a separate account of each man's earnings?—Yes, a separate account kept of what they do per day.

Is the allowance of provisions and of firing in proportion to their earnings?—There are fire-places for three different parts to go to; the provisions are served out for each alike, but if they have children they have double.

If they do not earn equally, have the working men the same allowance from the fund?—There are a few instances where they are deficient in the quantity of work; the work put upon them, the task, is so easy, that they perform it with great pleasure: the first year we had more difficulty, the second year less, and so on.

If they do not do their task, are they deprived of the meat?—They certainly would be if they did not do it, but I have not heard of an instance of their not doing it; if they did not, I should give them their bread, but not the extras.

Can you lay down any rule by which the Keeper of the gaol should be guided in
(24.)

Mr. James Fox.

the admission of the prisoners' friends, who had not the same knowledge that you possess of the notorious characters about London?—No, that is beyond my art; there is one circumstance in London which is in no other part of the kingdom; because I will venture to say that five or six hundred people upon the average, day by day, come into our gaol as visitors, to the debtors the greater part: there would be a great difficulty in London of admitting persons into a House of Correction if the Keeper cannot know them.

If persons come into the gaol with money in their pockets, do you search them, or are they allowed to keep it?—They are allowed to keep it.

Have they the means of spending money in the gaol?—No, but their friends may bring them in any reasonable food; but all bundles are searched and examined.

What is the general length of time for which offenders are confined in the House of Correction?—From two years to eighteen months, twelve months, and six months: the general average are six months and twelve months, down to fourteen days.

Do you think that reformation has been effected in many instances in your House of Correction?—I do; there are many to my own knowledge.

Have you the means of being acquainted with the opinions of prisoners, by hearing them converse when they are not aware of your being within hearing?—Yes, many a hundred hours, for this twenty years last past, have I been in a situation to do so. Before my health was so bad this last year or two, I have been in there for two, three, or four hours together, when they did not know I was there, and have heard them discuss the subject of their commission of their crimes, and their companions and connections, and who was to come and see them at such and such a time; and they have in those conversations told each other what they were first there for. I have heard their answers in a particular language, which I understood, but which would not be understood by persons not in the habit of knowing that sort of language; then the great error that I always found, universally, was of being transported; that was generally the case.

Had a seaman a terror at being transported?—Yes, all thieves universally. They do not mind what they term being made a *fine*; the time of imprisonment they did not consider, so as that they were not sent out of the country; but I have known an instance where £500 was offered by those that have had money, to make interest not to have them sent out of the country. I have been offered £500 and once £1,000, if I would have been base enough to have taken it, for my interest to get the sentence commuted for imprisonment instead of transportation.

Did you ever hear them assign any reason why they were particularly averse to transportation?—They do not like Botany Bay, because the money they carry is of no use to them, and it cuts off every communication from this country; cuts them off totally from society.

How do you mean that their money they carry to Botany Bay is of no use to them?—They cannot have the comfort there that they have here. A man sent into a prison here as a *fine*, if he has money, will get comforts they cannot there.

You understand by *fine*, persons committed to your custody for imprisonment?—Their terms *fine*, it is imprisonment for a length of time.

Did you ever hear them say what the particular privation was which they suffered by being sent to Botany Bay?—No; I have only heard them use this generally.

You have known people return from Botany Bay?—Yes; I have had them in my custody for returning, and they have been transported again. I have a letter from a man that was transported for life, one of the persons convicted with Colonel Despard; he is a Stone-mason, he was a soldier; I had him four years after Despard was convicted; at last he was sent to Botany Bay. This man was rather useful to me, and I was much inclined to have done him some good, if I had it in my power; he has wrote to me, begging, for God's sake, I would intercede with the Secretary of State, only to get him from Botany Bay, and he don't care where he is sent to; he works hard, he says, and lives poor.

Does he work on his own account?—I cannot say; he was transported for his life.

Do you know, from any of these who have returned, how it is they are employed; do they receive the wages of their own labour?—I never went into conversation with them myself, but what I have collected has been when they have been talking to each other.

But

But you have conceived the idea, that money is not of use to him?—If a man by working hard can earn money, where money is to be had, all accommodations so he had for money are to be had; but if he is working as a slave to some other person, of course he gets nothing but what that person chooses to give him by way of maintenance.

When you state that money would be of no use to him, do you allude to the case of a prisoner who carries money with him?—Yes; I know that every one that ever I have heard of or known of would do any thing in the world rather than go to Botany Bay, or return again there; they have a general dislike to transportation, to going out of this country.

But why do you think that money, either carried with them, or earned by their labour, would not be of use to them there as well as here?—They are cut off from all their habits and connexions in this country, which they do not like. I have heard them say they are hard worked, have hard living, and are hardly dealt with. I never knew one that was satisfied with going abroad again.

Have there been instances of persons condemned to death, and offered a pardon upon condition of going to Botany Bay, who have refused it?—I heard a few years ago of some prisoners being brought up to the Old Bailey, to whom a pardon was held out upon condition of being transported for life, and they refused it, and were taken back again; but I remember a woman, Louisa Clark, convicted at the last Quarter Sessions; she had been tried six or seven times; her mother and sister see both in Botany Bay, and she has had frequent letters from them. The Court ordered her to be transported for seven years; she had such a dislike to go, that the night before the threatened deed, and tore all her cloaths to pieces. I got her fresh clothing, and put them on; she served me in again, and I had the greatest difficulty to get her on board the ship; her mother and sister were both there, and this must have been from information from them.

If prisoners under sentence of transportation were confined in a Penitentiary House, and were liable to have that sentence enforced in case they did not conduct themselves properly there, would not that be a great security for their good behaviour in the House?—I think it would if that could be done.

Might not a Penitentiary House be put upon such a footing that the money of the prisoners should be of no possible use to them while they were in the House, except such money as they got by their earnings?—I am afraid not near London.

In what way do you think they would make use of it, by what means?—A Penitentiary House must have a great many servants to take care of it, and there is a wonderful difficulty with servants, more difficulty to get servants to do right, than there is to manage the prisoners. I have had more difficulty with my servants than with the prisoners; it is not every man that will come to those situations: I believe it might be done in the country.

You are forced to let several of your prisoners sleep in one room, are not you?—No, they all sleep separate, except any person should have fits; and I frequently do let two girls sleep together, for sometimes I have found them when locked up by themselves when they first came into prison, in fits; it is not the rule of the goal, but I did it for the best.

Do you observe any difference in the apprehensions with respect to transportation between those who have families and connexions here, and those who have not?—I have had more of those who have had a great connexion amongst bad characters, not those that have friends of a degree of reputation; that is not the cause, but it is from persons of bad habits that they have been acquainted with that they dislike being separated.

Do you infer from the conversations you have heard, that the dread of transportation to Botany Bay arises from information that they have actually received from others, or from the general dislike to having their habits and connexions here broken?—I should rather suppose the information they have received from persons who have been there has been what they did not like, and their being cut off from all their connexions in this country, from all people of bad habits and bad practices; they can always get support in some way or other from their different habits in London, which they cannot get if they go away from it: there is some honour among them, as they call it, that they will keep each other supplied.

Do you understand, that notwithstanding all your caution, the prisoners do receive from their associates some accommodation, even while under your care?—Yes, and I defy all the world to prevent it; relations will bring in food in some way.

You

Mr. James Fox.

You do allow them to take in food?—Yes, all reasonable food, but not drink.

When you find a person endeavouring to introduce drink into the prison, do you let that person again into the prison?—Never; that was a rule I made, and I have found it very beneficial.

Whether you apply the rule you have just mentioned in the case of a near relation of the person confined?—I would not let any person come in that ever brought any thing, even if it was the prisoner's wife; if ever they brought liquor in, although they paid the penalty, or had suffered the punishment of imprisonment, I never let them into the prison again; I used to detect six, seven, or eight in a month, and now I have not one in a year; I give every body notice.

You said many persons had been reformed in your House of Correction, who are your means of knowledge upon that subject?—I know one that now lives not far from London, who keeps a house of £1. an year rent, and lives very decent, a carpenter; and I know several that I frequently meet in my walks in the neighbourhood, who follow their occupations, are married, and live comfortably. I know another instance of a man that I happened to see as I was going about town; within this year and a half, to my great surprise, did I see a man there, that was transported from me about twenty-one years ago, keeping an excellent public house and gin shop, and upon enquiry I found he gave £1.500 to come into it, and he is living there now in reputation; he served seven years at Botany Bay; he saw me, he followed me: he has put up another Christian name, is married, and doing very well. He followed me; I told him he might depend upon it I should take no notice of him; he said, Ah, if they did but know what it is to go there, they would do better; but, said he, I am now doing well, and I hope it will not be known; I told him he might depend upon it, it should not be known from me.

Do you recollect the particular crimes for which those persons that were reformed, were imprisoned?—For larcenies.

Do you remember how they had been drawn into the commission of the offences?—One was, I think, for stealing workmens tools, from houses that were building.

How long were any of those persons confined with you?—Six months; but I know one that was there twelve months, that I know where to find now.

Did you perceive whether they were at first struck?—No; but I perceived their reformation by their conduct and decent deportment in their situation, they appeared with some sort of respect and quietness, I found they were not callous; we can judge from their conduct and their manner.

Do you happen to recollect whether in all the cases in which the persons were reformed, that they were persons who were of some trade?—No; I remember fishermen, carmen, men of the lower order of society, and men working in the brick fields, that had no trade, who are now going on well to my own knowledge.

Have you any school in the prison?—No; we have books.

By whom are the books furnished?—They are given us by a society of Gentlemen, our Clergyman sends them to us; we read them, and return them. If I apply for any one thing to the county of Surrey that is of use, the Gentlemen order it immediately: Mr. Sumner is upon our Committee: what I suppose would be right, the gentlemen order immediately.

Have you a Visiting Committee?—Yes, which sit regularly once a month, or oftener, if it is wanted.

Do they talk with the prisoners?—No, they go round when they think it is proper; you do not hear more than you hear in this room throughout the gaol for months together. I pledge my existence, that if I am there myself when they go to Guildford thirty miles to be tried, you will not hear a word spoken.

Do they all attend chapel?—Yes.

That is not at their own option?—No, twice in the week-days, and the Chaplain takes a great deal of pains.

Do the Committee come at particular times?—The Secretary summons them at the particular times they appoint. I suppose there is not a week in the year but we have Gentlemen from the House of Commons, House of Lords, and different other Magistrates, come to see our gaol.

Is the regular visiting day known in the gaol beforehand?—No.

Have you knowledge when the Secretary issues summonses for them?—Yes, we have fifty Magistrates live within a mile. I see eight or ten frequently in a day.

Does the Chaplain confer with the prisoners in their own room?—No, he sends for them down.

How soon does the effect appear to be produced upon those that have turned out reformed?—I have seen that gradually. They are frequently ordered to be whipped; I have seen that attended with a bad effect to what the other is.

In what manner are they whipped?—They are whipped severely. They are most commonly discharged immediately after whipping, and I know that they have been refused to be taken into employment in consequence of the disgrace of having been publicly whipped.

Do you think that whipping has a good or bad effect upon the offenders themselves?—I am sure it has no good one: it is momentary; and they have a turn among themselves "to be jolly;" that is, not to mind it, not to cry out.

Have you any particular prison dress?—We have not; but if they should come in very much distressed for want of clothing, I am directed by the country to furnish them, but not with a particular dress.

Have you used any particular dress, in order that prisoners, if they escape, should be known?—No, we have no particular dress; and during the whole of my time, 24 years (except an interval of three years, when I left the gaol from illness, and in that interval there was a great number of escapes), there has not been one escape.

Have you any particular rule as to irons when a prisoner is committed?—There are no irons used in the House of Correction, except as a punishment for disorderly behaviour.

What particular precautions do you use to prevent the escape of prisoners?—I have particular rules I make use of myself, and I make my servants go round the gaol at certain periods of time; and I make them go in the night at certain periods, to see all is right, to examine their irons; and I am particular respecting the people coming in, that are offenders; and if my servants do not as I direct them, I dismiss them. All this, respecting irons, applies to the County Gaol.

Are the prisoners housed in your gaol in a manner different from other places?—No.

Is your gaol secured, to prevent escapes, in any manner different from common gaols?—Certainly not; because ours is a brick gaol, and only brickwork; it is owing to attention, and my always executing the threats I make. My servants know that if they do wrong they will be dismissed, for I consider it essential always to keep my word with them.

You stated some time ago, that you found that solitary confinement, and depriving the prisoners of food, was not a means of reclaiming them in case they were refractory; did you ever try whether a reduced allowance, such as the country allowance only, for instance, would have brought them back to their good behaviour?—We have had instances of that, but I never found it have the same effect as preventing persons coming to them: that has universally had the effect.

If you were to commit them to solitary confinement, and keep them on the gaol allowance, bread and water?—I had once a man in such a case tore part of his blanket up and hanged himself; the terror of that I found not sufficient; he was cut down in time to save his life.

Are you in the habit of granting any indulgences to persons whose good conduct entitled them to consideration?—Nothing out of the usual way to any body, for if I did, my servants would do ten times more.

You stated some time ago that persons who have been whipped could not get employment on account of the stigma of that punishment; is there no objection made to employing persons who have been in a House of Correction, or who have returned from transportation?—I do not know of any myself, but I dare say that might be the case; I have known it in the case of whipping, because they have called upon me to know whether such a man was whipped or not.

Do you suppose that the persons who called upon you to make that enquiry, would have employed the man if he had only been confined in the House of Correction?—That I cannot answer; I only know, that if they are confined in the House of Correction, they might be confined there, and it be known to very few people; whereas, when they are publicly whipped, it is known to a thousand.

When you say you have known instances of reformation effected in the House of Correction, does that answer apply as well to women as to men?—Yes.

Are the women kept separate, and subject pretty much to the same rules as the men?—Exactly so.

In what manner have those persons commonly employed themselves on their first discharge from the prison, those that have been reformed?—Carpenters I have known

Mr. James Esq.

gone to their own trade. I have known bricklayers gone to their own trade, and followed their employment regularly, and I have seen them at work two or three years afterwards; I have seen carmen employed in the streets, and I saw a coachman lately driving a very handsome gentleman's carriage, who had been six months with me; and I know some dustmen now at work in the brick-fields.

If a person confined were a shoemaker or taylor, would he be allowed to work in the House of Correction?—He may work at his trade in the hours after he has done his task. I have on a pair of boots mended by a man after his working hours; and women I have employed to make my shirts, and I have given them the same as I should another person; then the women sometimes wash for the debtors in their own hours, after their task is done: but many of these things, if not strictly looked to, would be subject to abuses by our servants.

What salaries do you allow your servants?—One has £.55. a year, and the others, to 40, 45, and 48; and I have a confidential man, who is my Deputy, I pay myself.

Does this comprise all the emoluments of your Turnkeys?—They have no emoluments; and I have a Clerk.

Is he paid by the county?—Yes; my servants are all paid by the county, and the county allow me a certain sum.

Which has the emolument of the one-third?—That is the Superintendent of the House of Correction, and nobody interferes in that.

Is the third all his emolument?—No; he has £.50. a year besides.

Have you a constant sale of the exhumed articles?—We are supplied by persons constantly with the exhum; we never want for work; he pays me once a year, and I pay it over to county purveyor, by order of the Comptroller.

Do you then lay out money in the purchase of articles for the prisoners, on account of their earnings, before the produce of their earnings is received?—If wanting, I am sometimes in advance of money to them.

Appendix, No. 2.

RULES, Orders, and Regulations, for the control and government of the Prisons of the County of Gloucester; as they relate to the PENITENTIARY HOUSE of the said County.

[*Note.* The Penitentiary House of the County of Gloucester, though distinct in its institution from the Gaol for that County, is joined to it in structure, and has hitherto (through the acquiescence of successive Sheriffs) been under the government of the same Governor or Keeper.—A Part of the Rules, affecting the Penitentiary House, are included in the General Rules for the united establishment. The Copy, here given, will show the State of Regulations of a Penitentiary House independently established, with the Rules recommended.]

Rules and Regulations for the Control of the Penitentiary House.

RULE I.

BY 15 G. 3. c. 70. § 48.* "The Justices of the Peace for the County of Gloucester, shall, at every Michaelmas General or Quarter Sessions, which shall be holden for the said County, respectively appoint two or more Justices, visitors of the Gaol and Penitentiary House, and also two or more other Justices, visitors for each of the four Houses of Correction for the said County: and such visiting Justices so respectively appointed, shall, either together or singly, personally visit and inspect each such prison, or least three times in each quarter of a year, and whenever it occurs shall require; and shall examine into the state of the buildings,—the behaviour and conduct of the respective officers; and the treatment and condition of the prisoners,—the amount of their earnings,—and the expenses attending each prison respectively; and in matters of pressing necessity, and within the powers of their commission as Justices, shall take cognizance thereof, and proceed to regulate and redress the same: and at every General or Quarter Sessions of the Peace, the said visiting Justices respectively, shall make a report in writing, of the state and condition of the said Gaol, Penitentiary House, and Houses of Correction, and of all abuses, which may occur to their observation therein; and the Chairman of the said Sessions is thereby required to call upon the said visitors for such report: and further it is therein declared lawful for every Justice of the Peace for the said County, of his own accord, and without being appointed a visitor, to enter into the said Gaol, Penitentiary House, and Houses of Correction, respectively, and to examine the same, at such time or times, and as often as he shall think fit; and if he shall discover any abuses therein, he is thereby required to report them in writing, at the next General or Quarter Sessions of the Peace which shall be holden for the said County: and when and as often as report of any abuses in the said Gaol, Penitentiary House, and Houses of Correction, or either of them, shall be made, by the said visiting Justices, or either of them, or by any other Justice of the Peace for the said County, the abuses so reported shall be taken into immediate consideration by the Justices of the Peace for the said County, at the General or Quarter Sessions, at which such report shall be made; and they are hereby required to adopt the most effectual measures for enquiring into and rectifying such abuses, as soon as the nature of the case will allow."

Duties of Justices.

II.—A book shall be kept in the Penitentiary House, in which the visiting and other Justices are required to write their observations on the state of the prison when visiting. This book shall be returned into Court at every Michaelmas General Quarter Sessions.

III.—The Justices of the Peace assembled at each of the four General Quarter Sessions in the year, shall proceed, on the first day of such Sessions, to examine the entries made in the several books directed to be kept by the governor, task-master, or other officer of the Penitentiary House, respecting the economy thereof, and the manufactures carried on therein; and shall audit and settle the accounts of all receipts and disbursements, after verifying the same by the several vouchers, or by the oath (if required) of the governor, task-master, or other officer, having the care of such accounts.

IV.—The Justices to forbid any make contracts or enter into agreements with any persons to supply the clothing, diet, and other necessaries, for the maintenance and support of the prisoners confined in the Penitentiary House, or to furnish implements and materials for any manufactures or trade, to supply the prisoners; or they may authorize the governor, or task-master, to enter into agreements or to make contracts, the terms of which shall have been first submitted to, and approved by them.

V.—By

* By 31 G. 3. c. 46. § 5. this clause of the 15th G. 3. is made a general law applicable to all prisons.

† By 21 G. 3. c. 5. § 31. respecting Houses of Correction. See also 19 G. 3. c. 74. § 43. respecting actual Penitentiary Houses.

V.—By 31 G. 3. c. 46. f. 9. "The return in writing" directed by the 8th section of this act to be delivered to the Clerk of Assize, respecting the state of the Penitentiary House, by the keeper thereof, "before it is delivered into Court, shall be examined by one or more of the visiting Justices to be appointed for such Penitentiary House, who is hereby required to sign such return, and to annex thereto such observations as he shall think fit on every particular therein contained."

Laws, Rules, and Orders, of general Regulation, for the Government of the Penitentiary House.

Offices.
Governor.

31 G. 3. c. 46.
f. 45. f. 50.
34 G. 3. c. 34.
31 G. 3. c. 46.

VI.—The governor of the Penitentiary House shall be appointed by the Justices in their Quarter Sessions; and shall receive from the County Stock such salary as shall from time to time be fixed by the said Justices, in form and manner directed by law; in consideration of which salary to be paid, he shall not take or receive to his own use any fee, gratuity, or other emolument whatsoever, either from persons committed to his custody, or from the County rate, except only such share of the net profits arising from the work of the prisoners, as shall be allowed by the rules to be made from time to time by the said Justices, in that behalf.

31 G. 3.

VII.—The person appointed governor of the Penitentiary House shall enter into a bond with surety to the County, in the joint penalty of a sum equal to the amount of his annual salary; the condition of which bond shall be, that he be accountable when called upon for payments for all public money in his hands, and for the forwarding of all goods and materials assigned to his care, and for all furniture belonging to the County, in his life and occupation.

VIII.—The governor so appointed shall not be concerned, either directly or indirectly, in any other occupation or employment whatsoever, save only such as shall severally be connected with the keeping and employment of his prisoners.

IX.—The governor shall not lodge or board in his house any person other than his prisoners and his family and servants.

X.—The governor shall keep a journal, in which he is hereby directed to record the daily events of the prison.

XI.—The governor shall keep a book in which all punishments shall be registered, whether inflicted by his own authority, or by order of a magistrate; it shall set forth and show the name of the prisoner punished—his offence—the nature and duration of the punishment—and the authority by which such punishment was inflicted. This book shall be laid before the Justices at every Michaelmas General Quarter Session.

XII.—The governor of the Penitentiary House shall excuse his office in person; he shall see every prisoner in his custody, at least once in every twenty-four hours; he shall attend at chapel with the prisoners; and, on the days on which the chaplain shall not attend, he, or some other proper person appointed by him, shall read a short form of prayer, to be selected for the occasion by the chaplain. After prayers he shall call the roll, and examine every prisoner as to the cleanliness of his or her person; and, on the return of the prisoners to their respective wards, shall see that the daily allowance of bread be duly delivered to every prisoner. Once in every day he shall go into all the wards and cells occupied by the prisoners, observe whether the prisoners have properly made their beds, and carefully examine if any attempts to escape have been made. And if any prisoner shall be under temporary confinement in the cells for refractory behaviour, (as directed or allowed by the rules,) he shall particularly attend to the situation of such prisoner,—he shall see that the cell be kept perfectly clean, and duly ventilated with fresh air, and that the full prison allowance of bread be duly served to him or her, as to other prisoners, without withholding any part thereof, on account of, or as a punishment for any offence, which he or she may have committed.

XIII.—The governor shall see that the under-keepers and other officers have performed their several duties, as enjoined by the rules; and shall not absent himself from the prison for any one night, without permission of a visiting Justice, signified in writing, unless in the execution of any part of his duty which may require such absence, or by reason of some unforeseen accident, which he shall state in his journal.

XIV.—The governor shall have no interest whatsoever in any contract or agreement for feeding or clothing the prisoners. It is his duty to see that persons supplying them do neither defraud the prisoners or the County. He shall pay quarterly all bills for provisions, clothing, materials for labour, and other necessaries purchased for the use of the prisoners, and shall enter on account thereof in a book or books to be kept for that purpose, specifying the date of payment, with a numerical reference to the vouchers; which book or books he shall deliver, together with such vouchers, to the Justices on the first day of each of the four General or Quarter Sessions of the year.

XV.—By 31 G. 3. c. 46. f. 2. "The governor of the Penitentiary House, on the first day of every Assize, shall make a just and true return in writing to the Clerk of Assize, specifying the number and size of the cells completed for the reception of prisoners ordered to imprisonment and hard labour;—the names of all and every the person or persons in his custody,—the offences of which they have been guilty, the Court before which each

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person was convicted,—the sentence of the Court, if told and convicted before any Court of Record, or, if committed by one or more of His Majesty's Justices of the Peace, then the name of the Justice or Justices before whom such person or persons was or were convicted, and the offence of which such person or persons was or were convicted,—the age, bodily state, and behaviour of every such convict."

XVI.—A task-master (or manufacturer) shall be appointed, with a salary, either fixed or dependent on the earnings of the prisoners, as shall from time to time be agreed on and determined at any General or Quarter Sessions duly assembled for that purpose. He shall act as first assistant to the governor in the keeping of the prison, and must be approved of by him, and give him a security, if required. It shall be the duty of this officer to *enforce* the labour of the prisoners.

XVII.—The task-master shall keep a list of the tools delivered to the prisoners employed; and on leaving work in the evening he shall call upon every working prisoner to deliver his tools, which shall be properly secured during the night.

XVIII.—The task-master, being from time to time empowered by the Justices of the Peace at their General or Quarter Sessions, shall, with the priety and approbation of the governor, purchase such materials as may be necessary for carrying on any trade or occupation within the prison, and shall distribute the same among the several prisoners to be employed in working thereon; and shall superintend the work of the said prisoners. He shall also keep an account of the quantity of materials wrought, as a set-off or against from his account of raw materials purchased, and for which he shall be answerable to the Country; and the said task-master (being in like manner empowered by the Justices at Quarter Sessions), shall, with the like priety and approbation of the governor, sell and dispose of the manufactured goods, and pay to account the money arising from such sales, and shall keep the account of the whole in such a manner, that the general profits may be seen; and the governor shall and may constantly superintend such book or books, which shall, with all necessary vouchers, be delivered to the Justices at every General Quarter Sessions.

XIX.—The governor, over and above the salary to be paid to him according to the first rule,—shall be allowed a sum to be in like manner fixed, for each of such number of assistants as shall appear to the Justices assembled at their Quarter Sessions, to be sufficient for the safe keeping and employing his prisoners. *Provided always*, that no such salary of allowance shall be paid for the service of any person whose character shall not be approved by the said Justices. And the governor, in engaging such assistants, shall prefer such persons as, with equal good character, can write legibly; and who, by possessing a knowledge of the simple rules of arithmetic, shall be capable of assisting to keep the accounts and journals of the prison, if required. The salary of every under-keeper or assistant, not giving a bond with surety in the joint penalty of a sum equal to the half of his annual salary, shall be retained and withheld half a year in arrears, as a security for the due performance of his duty.

XX.—A watchman shall patrol round the yards of the Penitentiary House at least twice in every hour, from the time of locking up the prisoners at night, until the first bell-ringing in the morning. The person acting as watchman shall not be otherwise employed within the walls of the prison, nor shall he enter it until he comes on duty.

XXI.—The governor may appoint a prisoner to be *capable of dispatch* to each class. It shall be the duty of his office to sweep and wash the wards, courts, and cells, of the division allotted to him.

XXII.—A matron or female superintendent shall be appointed, with a salary, to be in like manner fixed from time to time; the appointment shall be subject to the approbation of the governor, and she shall act under his authority and control.

It shall be the duty of the matron to take charge of the prison linen, and to superintend the laundry and all other work and employment of the female prisoners; and also to look after their bedding and clothes.

XXIII.—No male officer of the prison shall enter the cell of any female prisoner, who may be confined in solitude, but in the presence of the matron.

XXIV.—By 25 G. 3. c. 50. L. 49. "No keeper of the Gaol, or governor of the Penitentiary House, nor any person or persons in trust for, or employed by such keeper or governor, or who shall have any office or employment as assistant or otherwise, under such keeper or governor, shall sell, or be capable of being licensed to sell, or have any benefit or advantage whatsoever, directly or indirectly, from the sale of any wine, beer, ale, or other liquors, used in such Gaol or Penitentiary House."

XXV.—By 25 G. 3. c. 50. L. 43. "The governor of the Penitentiary House, and other officers, shall give such security for the performance of their respective duties as the Justices from time to time, at any General or Quarter Sessions, shall appoint; and such governor and other officers, for any negligence or misbehaviour in their respective offices, may either be proceeded against on the security so to be given, or shall be liable by the said Justices at any General or Quarter Sessions, in the same manner as the governor of any House of Correction is liable by 7 J. 1. c. 4.—or by 17 G. 2. c. 5."

XXVI.—A Chaplain shall be appointed: he shall read *psalms* every Sunday, Wednesday, *Chaplain* and Friday evening, at regulated hours, and preach a sermon every Sunday, Christmas-day, 25 G. 3. c. 58.

and Good Friday. He shall keep a journal, in which he shall enter the times of his attendance, and such observations as may occur to him in the general execution of his duty; in case of sickness, or necessary engagement, he shall appoint a substitute for the occasion, and shall specify in his journal the cause of his absence, and the name of the clergyman serving in his stead. The chaplain should consider it as his duty frequently to see and confer with the prisoners, without the governor and keeper or other officer being present,—to enquire into their situation,—and to observe the state of their souls. He should also attend any prisoner, as well as health as in sickness, who may request or stand in need of his spiritual advice and instruction; provided that such request be not made at improper times, or that such attendance shall not interfere with the stated hours of labour. Books of moral and religious instruction shall be provided by the chaplain, at the county cost, to be distributed, at his discretion, amongst the prisoners, whom he shall judge to be in a situation to be benefited by such mode of instruction. The chaplain shall administer the sacrament to such persons as he shall consider in a state of mind fit to receive the same, at or about the times of the three great festivals of the Church, and at such other times as he shall think proper.

XXVII.—The chaplain, or his occasional substitute, shall be the only minister of religion who shall be permitted to visit the prisoners, for the purpose of giving them spiritual advice and instruction; but if any prisoner under sentence of death, or dangerously sick, shall declare himself of a religious persuasion, differing from the doctrines of the Established Church, a minister of such persuasion shall be permitted to visit such prisoner; the name of the minister so permitted shall be entered by the governor in his journal.

Surgeon

14 G. 3. c. 39.
15 G. 3. c. 36.
E. 36.

XXVIII.—A surgeon (to act also as apothecary) shall be appointed to attend the Penitentiary Hospital, at a fixed salary, to find medicines:—He shall attend immediately on notice from the governor and keeper that any prisoner is sick;—He shall visit the patients in the sick ward once every day, and twice a week shall see every person confined in the prison:—He shall enquire into the mental as well as bodily state of every offender confined by sentence or order in the Penitentiary House; and of every other prisoner who may be under temporary confinement for refractory behaviour; and where he shall have reason to believe, that either the mind or body of any such prisoner is materially affected by the discipline or diet, he shall inform the governor thereof, by entering his observations in a journal to be kept for that purpose; and the governor shall thereupon alter the discipline, or vary the diet of such prisoner accordingly, until the next meeting of the visiting justices, who shall enquire into the case, and make such order as it may require. Should the Surgeon at any time be of opinion that beer, wine, or other strong liquors, are especially necessary to restore or to preserve the health of a prisoner, he may order the same; but he shall direct that the patient be removed into the hospital ward, before any such liquors shall be allowed.

The surgeon shall state in his journal the articles of extra bedding, clothing, food, or liquors which he shall consider necessary for the use of the prisoners; and such statement shall be considered as authority to the governor and keeper to procure the same, and shall be a sufficient voucher for the article in his account.

14 G. 3. c. 39.

“The surgeon shall report to the justices at every Quarter Sessions the state of health of the prisoners under his care.”

Rules respecting
Officers.

XXIX.—The governor, in executing the duties of his office, must guard himself against every impulse of anger or personal resentment. With the legal powers entrusted to him, he cannot be necessary to strike his prisoners, unless in cases of self defence, much less can it tend to any good purpose to give his orders in a violent or insulting tone, or attended with oaths; he should command with temper,—enforce his just authority with firmness,—and punish resistance without favour or partiality.

XXX.—The firm humanity and temper, which is required of the governor and keeper himself, in the execution of his duties, must be insisted on by him in the conduct of every inferior officer of the prison. No under-keeper, or assistant, shall strike any prisoner, except for self-defence, on any assault, or menacing action tending to assault, from the prisoner.

XXXI.—The governor shall make information against every under-keeper or assistant, who shall be guilty of causing or fomenting, or drunkenness, when, and as often as any such person shall so offend; and the penalty of the law on such offence shall be enforced, and paid to the prisoners' charity box; and in case it shall appear to the visiting justices, that any such under-keeper or assistant has been especially guilty of any or either of such offences, they may in their discretion suspend him from his service in the Penitentiary House, and from receiving any salary from the County, and still, in that case, report the same to the next Court of Quarter Sessions, who on due proof of such offence, shall dismiss the officer so offending from the service of the County, and, if they think fit, shall further direct that he shall be proceeded against as guilty of negligence and misbehaviour under the sixth rule.

XXXII.—Neither the governor, or other officer or assistant, employed within the prison, shall presume to take or accept any fee or gratuity, by way of indulgence, or to dispense with any prisoner's compliance with any rule of the prison.

XXXIII.—No officer or assistant shall presume to take or accept of any money or other perquisite whatsoever, for admission of persons to see the prison, or any prisoner therein.

Rules respecting
Prisoners
confinement, &c.
Officers.

XXXIV.—It is indispensably required of all prisoners, That they do passively and regularly conform to the rules and orders made for the government of the prison, and pay due obedience

obedience to the lawful commands of the officers thereof. Refractory and obdurate conduct must be opposed by adequate punishment, and subdued.

XXXV.—It is further required of prisoners, of every denomination, That they do at all times pay a decent regard to the chaplain; and that, during the celebration of divine service, they behave with reverence and decorum.

XXXVI.—Every night-coll and other bedding-ward shall be fitted up with a bedstead of Lathes, iron, a straw mat, a mattress filled with hair, two blankets, a rug, and two hangen sheets, at the county cost.

XXXVII.—The shirts and other articles of clothing, which require to be washed, shall be delivered to the prisoners clean once a week, and clean sheets at least once a month.

XXXVIII.—The walls and ceilings of the several cells and wards used by the prisoners, shall be scraped and white-washed when found necessary. A prisoner found with any disorder, shall be forthwith removed to the infirmary ward, and kept separate from those who shall be in health. And in case of any infectious disease, the cell from whence such prisoner was taken, shall be thoroughly cleaned, fumigated, and white-washed.

XXXIX.—A charity box, shall be affixed at the gate of the prison, for the encouragement of penitence and orderly behaviour in criminal prisoners. The box shall be opened at stated times, and the amount applied, by a committee appointed for the application of money given to prison charities. The committee for this purpose, shall consist of the High Sheriff, and the visiting justices for the time being, the chaplain, and such other gentlemen resident in or near Gloucester, as shall from time to time be nominated by the Court of Quarter Sessions. A subscription book shall also be kept open in the lobby of the prison, for the same purpose.

XL.—Corresponding signal bells shall be fixed between the apartments of the governor, and his several under-keepers and assistants, so as reciprocally to communicate alarm in the night, from one to the other.

The bell on the top of the prison, called the alarm bell, shall be rung in case of the actual escape of a prisoner, or of any violent tumult in the prison, threatening escape. The same bell shall be tolled preparatory to, and during the time of execution of any capital sentence, but on no other occasion whatsoever.

XLI.—The time of rising from bed, and of retreat to the night cells,—of recreation and return to labour,—shall be noticed by the ringing of a bell provided for the special purpose.

XLII.—All prisoners shall rise at the first bell-ringing in the morning, which shall be at six o'clock, from Lady-day to Michaelmas, and at ten-rising from Michaelmas to Lady-day, they shall immediately make their beds respectively, and wash their faces and hands; and, at the second bell-ringing, shall repair to their respective places in the chapel, as decently dressed as their situation will permit. The governor shall take care that every prisoner be made to appear in chapel on Sundays, fresh shaven, and in clean linen.

XLIII.—Proper cloaks, with soap and towels, shall be provided in each division, and all prisoners shall wash themselves when required by the governor and keeper, and shall bathe when directed by the surgeon.

XLIV.—The cells and galleries in use shall be swept every morning, and shall be washed at least once in every week, unless when prevented by frost; in dry weather all the wooden doors and window-shutters shall be left open, and the bedding put out to air.

XLV.—No pigs, pigeons, or poultry, shall be kept within the walls of the prison; all fish shall, once in every day, be carried without the walls; and foul straw and rags shall be immediately burnt.

XLVI.—Copies of the Rules and Orders of the prison shall be printed on a strong paper, and hung up in the wards. An abstract of the Rules and Orders shall be read in chapel once a month.

Lower, Rules, and Orders, of special Regulation, for the Discipline and Government of Prisoners confined in the Penitentiary House.

XLVII.—By 25 G. 3. c. 10. § 31. "The Penitentiary House for the County of Gloucester shall be made use of for the reception and custody of such offenders as hath been or shall be, at any Session of Oyer and Terminer or Goal Delivery, or at any Assizes or any General or Quarter Sessions of the Peace for the County of Gloucester,—lawfully convicted of any crime or offence for which he or she shall by virtue of any statute now in force, or hereafter to be made, be liable to be imprisoned and kept to hard labour within any Goal, House of Correction, or other proper place within the said County, or where any such imprisonment and labour shall at any time be legally ordered, as a condition of His Majesty's royal mercy extended to any capital or transportable convict."

XLVIII.—By 1. 32. It is made lawful "for the Sheriff or gaoler of the said County, having custody of any offender remaining under sentence of transportation beyond the seas, to cause every such offender to be conveyed to the said Penitentiary House, there to remain

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until

until he or she shall be transported, or otherwise removed according to law, or until he or she, by the expiration of the term of such transportation or otherwise, shall be restored to his or her liberty. And the governor of the said Penitentiary House shall have the custody of every such offender during his or her confinement therein, and every such offender shall be subject to the discipline, regulations, and restrictions hereinafter provided, or directed to be provided, for employing, governing, and treating all offenders therein confined.* But, by §. 44. "nothing herein contained shall extend, or be construed to extend, to deprive any convict confined in the Gaol or Penitentiary House of the County of Gloucester, of the benefit of any weekly or other allowance which has usually been, or hereafter may be granted or made by virtue of any law, statute, custom, or order, for the purpose of maintaining and supporting convicted prisoners; provided only that the application of all and every such allowances shall be subject to such limitations and restrictions as may be contained in the Byo-Laws, Rules and Orders, therein directed to be made for the government and police of the said Gaol and Penitentiary House."

XIX.—By §. 44. "The Justices of the Peace for the County of Gloucester, shall make such Byo-Laws, Rules and Orders, for receiving, separating, employing, governing, and maintaining all offenders during their confinement, as in such Justices shall seem most fit and proper. And in making such Byo-Laws, Rules and Orders, the said Justices shall have regard to the discipline, provisions, and directions, contained in the Act of the 18th year of His present Majesty, concerning the two national Penitentiary Houses therein mentioned, as nearly as to the said Justices shall appear to be consistent with the aforesaid object of the Penitentiary House for the County of Gloucester."

L.—By §. 34. "When any offender shall be adjudged to be kept to hard labour in the Penitentiary House for the County of Gloucester, the Sheriff or gaoler shall forthwith (after receiving from the Clerk of the Assize, or other Clerk of the Court in which such offender shall be convicted), the certificate of conviction, as by law directed,) convey such offender to the said Penitentiary House, and shall deliver him or her, together with such certificate, to the governor of the said Penitentiary House."

Class, No. I. Male Convicted Felons.

Rule (1).—The governor or task-master during the term prescribed for the imprisonment and hard labour of offenders, shall keep them employed on such laborious or other work as shall appear to be best suited to their age, health, strength, or ability. And if the work to be performed by any such offender be of such a nature as to require previous instruction, proper persons shall be provided to give the same.

(2).—All offenders shall, during the night, be lodged in separate rooms or cells. And during the hours of labour they shall, as far as the nature of their several employments will permit, be kept separate and apart from each other.

(3).—All offenders shall, if possible, be employed on work every day in the year, except Sundays, Christmas-day, and Good Friday, and also except such days when ill health (in the judgment of the surgeon) will not allow of their working. And the hours of work in each day shall be no more at the season of the year (with an interval of half an hour for breakfast and an hour for dinner) will permit; but not exceeding eight hours in the months of November, December, and January; nine hours in the Months of February and October; and ten hours in the rest of the year.

(4).—The governor may at his discretion employ any offender or offenders as cordfibre or cordmakers of division, or to instruct other prisoners in any trade or manufacture, provided that such employ shall be within the limits of the prison appropriated to penitentiary prisoners. But every offender so employed, shall conform to the rules of his class, in all things not hereby specially excepted.

(5).—Every offender shall, during the time of his confinement, be allowed one pound and a half of good household bread per day, and twice per week a pint of strong soup, made from good and wholesome mutton, and peas or other vegetables; and when employed in a course of labour, shall have a further allowance of food, exceeding to a dietary † to be from time to time directed by the Justices in their Quarter Sessions;—or as shall be judged necessary, in any special case, by the visiting Justices.

(6).—Offenders shall be clothed in a coarse and uniform apparel, with certain obvious marks or badges affixed to the same, as well to humiliate the wearer, as to facilitate discovery in case of escape.

(7).—No offender shall, during the time of his confinement, be permitted to have any other food, drink or clothing, than such as shall from time to time be appointed by the Justices, in their General Quarter Sessions, or than shall be judged necessary in special cases by the visiting Justices. And if any person or persons shall wilfully supply any such offender with any food, drink or clothing, other than such as shall be so appointed, or with any money, the person

* The Table of Special Rules, here recommended, are considered as being made in legal conformity to the clauses here recited; the figures in the margin refer to the corresponding powers in the Penitentiary Law.

† See the present Dietary, in the Appendix.

for supplying such offenders, shall be punished as directed by the 19th of G. 3. c. 74. regarding the two national Penitentiary Houses.

(8.)—No officer or servant of the Penitentiary House shall supply any offenders therein with any money, clothing, provisions or diet, or with any spirituous or other liquors whatsoever, except such money, clothing, provisions or diet, as shall be permitted or directed by the Justices in their Quarter Sessions, or by the special order of a visiting Justice, or except such diet and liquors as the surgeon attending the house shall think proper to order for any offender in case of illness. And if any such officer or servant shall be found guilty of supplying, or of knowingly permitting to be carried to any such offender, any money, clothing, provisions or diet, or liquors whatsoever, contrary to the intent of the afore-mentioned Acts of the 19th and 25th years of his present Majesty, such officer or servant shall be immediately suspended by the governor, who shall report the same to the visiting Justices, who shall enquire thereof on oath, and shall confirm or amend such suspension according as the case shall appear to them, and shall report their proceedings thereon, to the Justices, at the next General Quarter Sessions,—which Justices, on due proof of such offence, shall proceed to punish the same by forfeiture of office, or by such other ways and means as are by law directed.

(9.)—Offenders, on leaving their work in the evening, and before retiring to their night-cells, shall walk for exercise and air, in the airing-yards of the prison, in the presence of the governor, talk-master, or other officer or officers, who shall see that they do not stand still and frustrate the purpose of exercise, by talking in parties of evil and conversation.

(10.)—Offenders under sentence of transportation beyond the seas, by the Court of Assize, and waiting removal in execution of such sentence, shall be treated as other convicts, but shall, at their option, (to be declared on their first entering the Penitentiary House,) either receive the Government allowance of 2s. 6d. per week, and maintain and clothe themselves; or, foregoing this allowance to the use of the County, shall be fed and clothed, as other convicts, at the County cost.

(11.)—No person except the Sheriff and the Justices of Peace for the County, the chaplain, the surgeon, and the officers of the House, and except such other person or persons as shall be authorized by a special order in writing of the Justice who shall have signed the original commitment to Goal of any offender, to see such offender, shall be permitted to enter the wards of the Penitentiary House, or to see and converse with any offender who is in health. But in case any offender shall be seized with a dangerous sickness, and be, in consequence, removed to the infirmary ward; his friends shall be informed thereof, and shall be admitted to visit such offender on application to the governor. The officers and servants of the house are required not to hold any unnecessary conversation with offenders, but to express the necessary commands, and to relieve their wants, in as few words as possible.

(12.)—By 25 G. 3. c. 10. f. 45. "The governor of the Penitentiary House, and his assistants, shall have the same powers over the offenders to be confined therein, as are incident to the office of a Sheriff, or of a gaoler; and in like manner be answerable for the escape of any offender within his custody; and moreover, the said governor shall have power to hear complaints, and examine any persons touching offences, and determine and punish the same (except by whipping) in such and the same manner, as the governor of each Penitentiary House,* directed to be built by the aforesaid Act of the 19th year of his present Majesty, is by the same Act empowered to do. And by 31 G. 3. c. 46. f. 3. in case of the repetition of such offences, or in case of offences more enormous, which the said governor is not by this Act† empowered to punish, the said governor shall report the same to the visiting Justices, or one of them, for the time being; and such Justices, or one of them, shall have power to enquire upon oath, and determine concerning all such offences so reported to them, and shall order such offenders to be punished either by moderate whipping, repeated whippings, or by close confinement, for any term not exceeding one month; "but so as that the whole time of confinement, directed by such order, shall not exceed or go beyond the original term for which such offender was committed.

The governor shall enter a statement of every such matter of offence, and of the consequent punishment, in his register of punishments, as directed by the general rule in that behalf.

(13.)—By

* By 10 G. 3. c. 74. f. 46. "The governor of each of such Penitentiary Houses shall have power to hear all complaints touching any of the following offences; that is to say, disobedience of any of the orders of the House; Assaults by one person confined in such House upon another, when no dangerous wound or bruise is given; Profane cursing and swearing, or indecent behaviour; Absence from chapel, or irreverent behaviour there; and idleness or negligence in work or wilful mismanagement of it;—all which are declared to be offences by this Act; and the said Governor may examine any persons touching such offences, and may determine thereupon, and may punish such offences either by moderate whipping, or by ordering the offenders to close confinement in the dungeons* of such House, and by keeping them on bread and water only, for any term not exceeding three days."

* No dangerous being admitted in the structure of the prisons of this County, the ventilated dark cells on the upper stories of the building must be substituted as places of temporary punishment of the refractory.

† Or by the County Act, 25 G. 3. c. 10. f. 45.

(13).—By 35 G. 3. c. 10. § 45. "If any person ordered to hard labour in the said Penitentiary House for the County of Gloucester, shall at any time during the term for which he shall be so ordered, break prison, or shall escape from the said Penitentiary House, or in the conveyance to the same, or from the person or persons having the lawful custody of such offender; or if any person having such custody, as an assistant, shall voluntarily or negligently permit such offender to escape; or if any person shall, by supplying arms, tools, instruments, or means of disguise, or otherwise in any manner aid or assist any such offender in any escape, or in any attempt to make an escape, though no escape be actually made; every such offence as aforesaid shall be punished in the same manner as the like offence would be punishable under the above-mentioned Act of the 19th year of his present Majesty, directing two Penitentiary Houses to be built, if such had been committed by, or in respect to any person ordered to hard labour in either of the said two Penitentiary Houses therein mentioned."²⁰

(14).—By 31 G. 3. c. 46. § 14. "If the visiting Justices shall at any time observe, or be satisfactorily informed of any extraordinary diligence or merit in any of the officers under their inspection, they shall report the same to the Justices of Oyer and Terminer and Great Delivery or Great Sessions, at their next or any subsequent Sessions to be holden for the County in which such offender was convicted, in order that such Justices may, if they shall think proper, recommend such offender to the Royal Mercy in such degree, or upon such terms as to them shall seem meet; and if His Majesty shall thereupon be graciously pleased to shorten the duration of such offender's confinement, such offender shall, together with necessary clothing, receive such sum of money for his or her immediate subsistence, as the said visiting Justices shall think proper, so as such sum shall not exceed one nor be less than 5s. in case such offender shall have been confined for the space of one year, and so in proportion for any shorter term of confinement." On the first visiting Justices may, in like manner, report such good conduct to the Justices at any General Quarter Sessions of the Peace, to the intent that application may by such Justices be made to His Majesty's principal Secretary of State, recommending that such offender may receive such mitigation of his sentence as by His Majesty may be thought meet.

(15).—If any person, who shall have been confined as an offender, shall have been industrious, orderly, and obedient during the time of such his confinement, the chaplain and governor, or the chaplain and a visiting Justice, shall, on his discharge, give him a certificate of such good behaviour, and, if they shall have reason to believe that such person is sincerely penitent, and actually reformed in morals, they shall express the same in such certificate. And no such person shall be dismissed at the end or other determination of his term (unless at his own request) if he shall then labour under any acute or dangerous distemper, nor until in the opinion of the surgeon he can be discharged safely. And when such person shall be discharged, his own or other decent clothing shall be delivered to every such person, together with such sum of money as the visiting Justices shall judge necessary for his subsistence to the place of his legal settlement, or to the limits of the County, if not settled within it; but no such allowance shall, in any case, exceed ten shillings. And in case the person to be discharged shall procure any reputable master of a ship, tradesman, or other substantial housekeeper, to take him into service, or provide him with proper employment for one year then next ensuing; if, at the end of one year, the master or mistress who shall have so employed such person shall certify, according to a form provided for the purpose, that such person hath served him or her soberly and honestly during the entire year, and that he or she is content with such person's service, the said Justices in their General Quarter Sessions shall allow to such person a further sum in proportion to the time for which he shall have been confined in prison, not exceeding £. 3. But (except in the case of a master of a ship)

* By 19 G. 3. c. 74. § 65. "If any person who shall be ordered to hard labour in any of the places of confinement to be appointed by virtue of this Act, instead of being actually punished, shall at any time during the term for which he or she shall be so ordered to be confined, break prison, or escape from the place of his or her confinement, or in his or her conveyance to such place of confinement, or from the person or persons having the lawful custody of such offender, he or she so breaking prison or escaping, shall be guilty of felony without benefit of Clergy. But in case he or she so breaking prison or escaping, shall have ordered to hard labour instead of transportation, he or she shall be punished by an addition of three years to the term for which he or she, at the time of his or her breach of prison or escape, was subject to be confined; and if such person so punished by such addition to the term of confinement, shall afterwards be convicted of a second escape or breach of prison, he or she shall be adjudged guilty of felony without benefit of Clergy."²¹

And, § 66. "If any person having the custody of any such offender as aforesaid, or being employed by the person having such custody as a keeper, under-keeper, turnkey, assistant, or guard, shall voluntarily permit such offender to escape; or if any person whatsoever shall, by supplying arms, tools, or instruments of disguise, or otherwise be in any manner aiding or assisting in any such offender in any escape, or in any attempt to make an escape, though no escape be actually made, every such person so permitting, attempting, aiding, or assisting, shall be guilty of felony; and if any person having such custody, or being so employed by the person having such custody as aforesaid, shall negligently permit any such offender to escape, such person so permitting, shall be guilty of a misdemeanour; and being lawfully convicted of the same, shall be liable to fine or imprisonment, or both, at the discretion of the Court."

fig) such certificate shall be witnessed by the minister of the parish wherein such master or mistress shall have resided, who shall further testify his sincere belief that the contents of the certificate are true, and that the offender has been regular in attendance on divine service. [For the form of the Certificate, see Appendix.]

Class No. II. Female Convicted Prisoners.

As *Class No. I. regard being had to sex, in appointing their labour;*

Provided always, that the head shall not be shaved, as part of the prison discipline.

And provided also, that the punishment of whipping shall not be inflicted for any offence or repetition of offence against the Orders of the House.

Appendix to the above Rules.

Dietary for the Prisoners in the Penitentiary House.—(Referred to, page 6.)

For's portion.—BREAKFAST.—Every Morning, 1½ oz. of oatmeal, and ½ oz. of salt, made into gruel, with lard, or other vegetables in season.

DINNER.—Sunday and Thursday, 12 oz. of beef, without bone, and 1lb. of potatoes, or other vegetables.—Monday and Friday, ½ of a pint of peas, made into soup, with the broth of the beef of the preceding day, seasoned with pepper or ginger.—Tuesday, 1lb. of vegetables, or ½ lb. of cheese.—Wednesday, 1½ oz. of rice, 1½ oz. of oatmeal, and ½ oz. of salt, made into gruel, seasoned with pepper and ginger.—Saturday, ½ lb. of cheese.

Every Day, one loaf of bread, weighing 1½ lb.

Certificate.—(Referred to above.)

We, the undersigned, being the Chaplain and of the Penitentiary House for the County of Gloucester, do certify that who has been confined in the said House for the space of has been industrious and obedient; and we have reason to believe that is a sincere penitent, and desirous of pursuing a life of honest industry. As a reward for such behaviour, the visiting Justices have thought fit to direct that shall be supplied with

from the prison stores, and shall receive the sum of Shillings, to enable to proceed to the parish of

This Certificate to be delivered to the Minister, Churchwarden, or other Overseer of the Poor, within days from the date hereof.

The following is the form of Certificate of good service for one Year, to be delivered to the Court of Quarter Sessions; or to a neighbouring Magistrate, and by him returned to the Quarter Sessions.

This is to certify, that of the parish of hath served me honestly and soberly during one complete year previous to the date hereof; I declare, that I am content with service, and think deserving public encouragement.

I being officiating Minister of the parish of was present at the signature of the above Certificate,—and do sincerely declare that I believe the contents to be true. I have observed the said to be regular in attendance on divine service.

Appendix, No. 3.

PROPOSAL for a new and less expensive Mode of employing and reforming CONVICTS.

THE Author having turned his thoughts to the Penitentiary system from its origin, and having lately conceived a Building in which any number of Persons may be kept within the reach of being inspected during every moment of their lives; and having made out, as he flatters himself, to demonstration, that the only eligible mode of managing an establishment of such a nature in a building of such a construction, would be by contract; has been induced to make public the following Proposal for maintaining and employing Convicts in general, or such of them as would otherwise be confined on board the Hells, for 25 per cent. less than its cost: Government to maintain them there at present, deducting also the average value of the work at present performed by them for the Public, upon the terms of his receiving the produce of their labours, taking on himself the whole expense of the building, siting up and stocking*, without any advance to be made by Government for that purpose, requiring only that the abatement and deduction above-mentioned shall be suspended for the first year.

Upon the above-mentioned terms he would engage as follows:

I.—To furnish the prisoners with a constant supply of wholesome food, not limited in quantity, but adequate to each man's desires.

II.—To keep them clad in a state of tightness and neatness, superior to what is used even in the improved prisons.

III.—To keep them supplied with separate beds and bedding, competent to their situations, and in a state of cleanliness scarcely any where conjoined with liberty.

IV.—To insure to them a sufficient supply of artificial warmth and light, whenever the season renders it necessary, and thereby save the necessity of taking them prematurely from their work at such seasons (as in other places) as well as preserving them from suffering by the inclemency of the weather.

V.—To keep constantly from them, in conformity to the practice so happily received, every kind of strong and spirituous liquor, unless where ordered in the way of medicine.

VI.—To maintain them in a state of irretrievable, though mitigated seclusion, in allotted companies, without any of those opportunities of promiscuous association, which in other places disturb, if not destroy, whatever good effect can have been expected from occasional solitude.

VII.—To give them an interest in their work, by allowing them a share in the produce.

VIII.—To convert the prison into a school, and, by an extended application of the principles of the Sunday schools, to return its inhabitants into the world instructed at least as well as in ordinary schools, in the most useful branches of vulgar learning, as well as in some trade or occupation, whereby they may afterwards earn their livelihood. Extraordinary culture of extraordinary talents is not, in this point of view, worth mentioning; it would be for his own advantage to give them every instruction, by which the value of their labours may be increased.

IX.—To pay a penal sum for every escape, with or without any default of his, irretrievable violence from without excepted; and this without employing lions on any occasion, or in any shape.

X.—To provide them with spiritual and medical assistance, constantly living in the midst of them, and incessantly keeping them in view.

XI.—To pay a sum of money for every one who dies under his care, taking thereby upon him the insurance of their lives for an ordinary premium, and that at a rate grounded on an average of the number of deaths, not among imprisoned felons, but among persons of the same ages in a state of liberty within the Bills of Mortality.

XII.—To lay for them the foundation-stone of a provision for old age, upon the plan of the Annuity Societies.

XIII.—To insure to them a livelihood at the expiration of their terms, by setting up a subsidiary establishment, into which all such as thought proper should be admitted, and in which they would be continued in the exercise of the trades in which they were employed during their confinement, without any further expense to Government.

XIV.—To make himself personally responsible for the reformatory efficacy of his management, and even make amends in most instances for any accident of his failure, by paying a sum of money for every prisoner convicted of a felony after his discharge, at a rate increasing according to the number of years he had been under the Proposer's care: viz. a sum not exceeding £1. 20, if the prisoner had been in the Penitentiary Penitentiary one year; not exceeding £1. 15, if two years; not exceeding £1. 10, if three years; not exceeding £1. 5, if four years; not exceeding £1. 20, if five years or upwards; such sum to be paid immediately on conviction, and to be applied to the indemnification of the persons injured by

* All these articles taken into the account, the originally-intended Penitentiary House, on the late Mr. Blackburne's plan, would not have cost so little as £1. 200 per man: for 1,000 prisoners, £1. 200,000, exclusive of the whole annual expense of maintenance, &c. to an unliquidated amount.

by such subsequent offence, and to be equal in amount to the value of the injury so long as it did not exceed the sums respectively above specified.

XV.—To present to the Court of King's Bench, on a certain day of every term, and afterwards print and publish, at his own expense, a Report, exhibiting in detail the state, not only moral and medical, but economical, of the establishment; showing the whole profits, if any, and in what manner they arise; and then and there, as well as on any other day, upon summons from the Court, to make answer to all such questions as shall be put to him in relation thereto, not only on the part of the Court or Officers of the Crown, but by Leave of the Court, on the part of any person whatsoever; questions, the answer to which might tend to subject him to conviction, though it were for a capital crime, not excepted; treading under foot a maxim increased by the guilty for the benefit of the guilty, and from which none but the guilty ever derived any advantage.

XVI.—By means and cleanliness, by diversity of employment, by variety of contrivance, and above all, by that peculiarity of construction, which, without any unpleasant or hazardous vicinity, enables the whole establishment to be inspected at a view, from a commodious and insulated room in the center, the prisoners remaining unconscious of their being thus observed, it should be his study to render it a spectacle such as persons of all classes would, in the way of amusement, be curious to partake of; and that not only on Sundays, at the time of divine service, but on ordinary days, at meal times, or times of work;—providing thereby a system of superintendence, universal, unchangeable, and uninterrupted, the most effectual and indelible of all securities against abuse.

Such are the methods that have occurred to him for accomplishing that identification of "innocent with guilty," the effecting of which in the person of the governor, is declared to be one of the leading objects of the Penitentiary Act.—[19 Geo. III. ch. 74.]

The station of Governor is not in common account a very elevated one; the addition of Contractor has not much tendency to raise it. He little dreams, when he first launched into the subject, that he was to become a suitor, and perhaps in vain, for such an office. But inventions unsupplied might be in want of the Governor: and a function thus clipped of emolument, while it was loaded with obligations, might be in want of Candidates. Permeated therefore with the importance of the task, he would not suffer himself to see any thing unpleasant or discreditable in the means.

Outline of the Plan of Construction alluded to in the above Proposal.

THE building circular—an iron cage, glazed—a glass lantern, about the face of Ranelagh—the prisoners, in their cells, occupying the circumference—the officers, governors, (chaplain, surgeon, &c.) the center.

By blinds and other contrivances, the inspectors concealed (except in as far as they think fit to show themselves) from the observation of the prisoners: hence the ferment of a sort of invisible omnipotence.—The whole circuit reviewable with little, or, if necessary, without any change of place.

One station in the inspection part affording the most perfect view of every cell, and every part of every cell, unless where a screen is thought fit occasionally and purposely to be interposed.

Against fire (under a system of constant and universal inspection any such accident could be to be apprehended) a pipe, terminating in a flexible hose, for bringing the water down into the central inspection-room, from a cistern of a height sufficient to force it up again by its own pressure, on the mere turning of a cock, and spread it thus over any part within the building.

For visitors, at the time of divine service, an annular gallery, rising from a floor laid immediately on the ceiling of the central inspection-room, and disabled to view by the descent of a central dome, the superior surface of which serves, after descent, for the reception of ministers, clerk, and a select part of the auditory: the prisoners all round, brought forward, within perfect view and hearing of the ministers, to the front of their respective cells.

Solitude, or limited seclusion, *ad Absentem*.—But, unless for punishment, limited seclusion in assisted companies, is preferred:—an arrangement upon this plan alone exempt from danger. The degrees of seclusion fixed upon may be preserved in all places, and at all times, inviolate. Hitherto, where solitude has been aimed at, some of its chief purposes have been frustrated by occasional associations.

The approach, one only—gates opening into a walled avenue cut through the area. Hence no strangers near the building without leave, not without being surveyed from it as they pass, nor without being known to come on purpose. The gates of open work, to expose hostile mobs; on the other side of the road, a wall with a breach of the road behind, to shelter possible passengers from the fire of the building. A mode of fortification like this, if practicable in a city, would have saved the London prisons, and prevented the unpropitious accidents in Saint George's Fields.

The surrounding wall itself surrounded by an open palisade, which serves as a fence to the grounds on the other side; except on the side of the approach, no public path by that fence. A sentinel's walk between, on which no one else can set foot without forcing the fence, and declaring himself a trespasser at least, if not an enemy. To the four walls, four such walks flanking and crossing each other at the ends. Thus each sentinel has two to check him.

Appendix, No. 4.

DRAFT of a CONTRACT between the Lords Commissioners of the Treasury and JEREMY BENTHAM, Esquire.

ARTICLES of AGREEMENT entered, had, made, concluded, and agreed upon, this day of in the 36th year of the reign of our sovereign Lord George the Third, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and in faith, and in the year of our Lord one thousand seven hundred and ninety-five, Between the Right Honourable the Lords Commissioners of His Majesty's Treasury, on the part and behalf of His Majesty of the one part, and Jeremy Bentham, of Lincoln's Inn, in the county of Middlesex, Esquire, of the other part.

WHEREAS in and by an Act of Parliament, made and passed on the 20th day of July, in the year of our Lord 1794, and in the 34th year of His Majesty's reign, intituled, "An Act for erecting a Penitentiary House or Houses for confining and employing Convicts," it was enacted (among other things) that the Commissioners of the Treasury for the Time being should, as soon as conveniently might be, fix upon a certain place or places of ground therein described, or upon any other convenient and proper spot of ground which might be lawfully purchased under the powers of the said Act, and to be situate as therein is mentioned, upon which should be erected one or more Penitentiary House or Houses, for the purpose of confining and employing in hard labour such convicts as should be removed thither by order of His Majesty, His heirs or successors, under the powers therein mentioned, and should and might contract or agree with any person or persons for the erecting and building one or more Penitentiary House or Houses upon the ground to be appropriated for that purpose, in such manner, and under and for such considerations, terms, conditions, powers, limitations, and restrictions, as the said Commissioners should deem necessary and expedient; and should cause to be inserted in such contract or contracts such lawful clauses, covenants and agreements, as should be requisite to enforce the execution of the same accordingly, and within a time to be limited; and might also, if such Commissioners should think fit, appoint a proper person or persons to superintend the erection of such House or Houses, and the due performance of such contract or contracts as should be entered into touching the same, with such power as the said Commissioners should judge proper; and the said Commissioners should also appoint a Justice or Justices to treat for the absolute purchase in fee simple, and to accept a conveyance of such piece or pieces of ground wherein the said Penitentiary House or Houses should be intended to be built, and from time to time to appoint others in the stead of those who should die or resign; and that when such piece or pieces of ground should be fixed upon and approved by the said Commissioners, and such Justice or Justices should be appointed, the relations as in fee simple of such piece or pieces of ground should be vested in and conveyed to and in the use of such Justice or Justices, and his and their successors for ever, who was and were thereby made and declared to be a Corporation sole or aggregate (as the case might happen) for the special purpose of being capable to take and hold in perpetual succession such piece or pieces of ground, with all buildings and erections thereon, for the uses and purposes of the said Act; And it was further enacted, that when such Penitentiary House or Houses should be erected in pursuance of and according to such contract or contracts as aforesaid, or sooner if occasion should require, it should and might be lawful for His Majesty, His heirs and successors, from time to time, by an order in writing, to be notified by the principal Secretary of State for the Home Department, to appoint one or more fit and discreet person or persons to be governor or governors of the said Penitentiary House or Houses, to continue in such office or offices respectively for such time and under such conditions as His Majesty should direct, who being appointed thereto, should have the care, management, superintendence and control of the same, and of all and every offender and offenders, who should be delivered unto his or their custody, by the direction of His Majesty, His heirs or successors, under such powers, directions, limitations and restrictions, as were therein mentioned or referred unto, as by the said Act of Parliament, recited being thereof had, may more fully appear: And whereas the said Lords Commissioners have accordingly fixed upon a certain piece or parcel of ground for the purposes of the said Act, situate and being in the parish of in the county of containing acres, or thereabouts, and late in the possession or occupation of and by an instrument in writing, bearing equal date with these presents, the said Lords Commissioners have appointed the said Jeremy Bentham, party hereto, the sole Justice, for the purpose of purchasing and taking a conveyance of the said piece or parcel of ground, pursuant to the directions of the said Act: And whereas the said Jeremy Bentham hath proposed, at his own expense, but upon such terms and conditions, and for such restrictions as are herein-after mentioned, to erect and build a Penitentiary House on the said piece or parcel of ground, or some part thereof, and to adapt the same for the purposes of the said Act in such manner as herein-after is mentioned; and the said Lords Commissioners are consenting and desirous to

enter into a contract with the said Jeremy Bentham respecting such intended Penitentiary House, and for that purpose the several articles, clauses, conditions, provisions and terms of agreement, hereinafter specified, inserted and contained, have been prepared and approved of, and are agreed to be entered into, performed and executed by and on the respective parts and behalfs of the said parties hereto, according to the tenor, true intent, and meaning of the same respectively: Now therefore these presents witness, that for and in consideration of the premises, and for divers other good and valuable causes and considerations each of them the said parties hereto mutually moving, be the said Jeremy Bentham, for himself, his heirs, executors, administrators and assigns, doth covenant, promise and agree to and with the said Lords Commissioners and their successors; and the said Lords Commissioners, for themselves and their successors, do, and each and every of them doth, covenant, promise and agree to and with the said Jeremy Bentham, his executors, administrators and assigns, by these presents, in manner following; viz.

Article 1st.—The said Jeremy Bentham, for and in consideration of the sum of thirty-one thousand pounds, to be paid by the said Lords Commissioners or their successors, at the times, in the proportions, and manner hereinafter mentioned, and also in consideration of his being to be appointed governor of the Penitentiary House intended to be erected on the aforesaid piece or parcel of ground, when the same shall be built, with such powers and allowances, and also with such agreement respecting the future appointments of governors as are hereinafter respectively mentioned, shall and will, within the space of twelve calendar months next after he the said Jeremy Bentham, his executors, administrators or assigns, shall have obtained full and peaceable possession of the piece of ground aforesaid, or his or their own proper coils and charges, cause to be erected, fixed up, properly floored, and otherwise in every respect effectually adapted to or for the purposes aforesaid, a Penitentiary House on some part or parts of the same piece of ground, of proper form and sufficient magnitude and conveniences for effectually and healthfully confining, restraining and employing therein 1,000 male convicts or prisoners at the least, as also for the proper and convenient lodging and maintaining of a chaplain, surgeon, talk-master, schoolmasters and such other officers, with their subordinates, as may be found necessary for the said purposes, in which said Penitentiary House or building, or in some other building or buildings, thereto next or near adjacent, a proper chapel, fit for the use of such convicts or prisoners, officers and subordinates as aforesaid, and also a proper and sufficient infirmary, shall be included; and that such Penitentiary House, chapel and infirmary, with the storerooms, warehouses and other buildings which may be thought necessary for the purposes aforesaid, shall be respectively erected, built, fitted up, floored and adapted, and from time to time kept in good and sufficient order and repair, to the satisfaction and good liking of such person or persons as the said Lords Commissioners, or their successors may from time to time think proper to nominate or appoint for the purpose of superintending such convicts and buildings, and the due performance of this present contract or agreement on the part and behalf of the said Jeremy Bentham, his heirs, executors, administrators and assigns; which person or persons it shall and may be lawful to and for the said Lords Commissioners and their successors, to nominate accordingly, if, and when, and so often as they shall think it necessary or expedient so to do: Provided nevertheless, that if the said Jeremy Bentham, his heirs, executors, administrators, or assigns, shall be dissatisfied with the opinion of such person or persons so to be nominated by the said Lords Commissioners, or their successors, for the purposes aforesaid, and shall desire that such difference of opinion may be adjusted by referees, the same shall be adjusted by two persons, one to be named by the said Lords Commissioners or their successors, and the other by the said Jeremy Bentham, his heirs, executors, administrators or assigns; and in case such referees shall differ they shall appoint an umpire, and the decision of such referees, if they shall agree in opinion, or of the umpire, if appointed, shall be final.

Article 2^d.—The said sum of £31,000 shall be paid to the said Jeremy Bentham, his executors, administrators, or assigns, at three several instalments, (that is to say) £12,000, part thereof, immediately upon the execution of these presents; £12,000, other part thereof, on the expiration of three calendar months next after the date hereof; and the remaining sum of £7,000 to form as the said Penitentiary House and buildings shall be in readiness for the reception of the said number of 1,000 convicts or prisoners, to the satisfaction of the said Lords Commissioners, or their successors, or of such person or persons as they may have thought proper to appoint for the purpose of superintending the same, three weeks notice at the least having been given of such readiness, to the said Lords Commissioners, or their successors, on the part of the said Jeremy Bentham, his executors, administrators, or assigns, and such payments shall be respectively made, clear of all deductions, together with interest for and upon the same several sums, at the rate of five per cent. per annum, for every such day (if any) as the same shall have continued respectively in arrear or unpaid.

Article 3^d.—And inasmuch as it may happen that at or after the time when the said Jeremy Bentham shall be in readiness to receive such number of 1,000 convicts or prisoners as aforesaid, there may be more than 1,000 convicts or prisoners, which, under the powers of the said Act, might be committed to his charge, it is therefore hereby also agreed, that the said Jeremy Bentham, and his successors in the office of governor, to be appointed as hereinafter specified, shall receive every such supernumerary convict or prisoner as may be committed to his or their custody, on the same terms of £12 a year as is hereby agreed to be paid for each of the above-mentioned original number of 1,000 convicts or prisoners, with the addition of only £18 for each such supernumerary convict or prisoner, payable the

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half thereof on the reception of every such supernumerary, and the other half on the expiration of twelve calendar months then next following, clear of all deductions, with interest, in case of delay, as above is mentioned; which said addition of £18 for every such supernumerary, shall be in lieu of all expenses incident to or attending the providing additional buildings and other sufficient accommodations for the reception of every such supernumerary prisoner, which the said Jeremy Bentham, or his successors as aforesaid, shall provide accordingly, in like manner as herein before expressed with respect to the buildings and accommodations for 1,000 convicts or prisoners as aforesaid: Provided, that when such additional sum of £18 shall have been once paid for any number of such supernumerary convicts or prisoners, no further sum shall be payable in respect of any number of such supernumerary convicts or prisoners, which the said Jeremy Bentham, or his successors, shall be required to receive as aforesaid, unless the total number of such supernumeraries, at any one time, shall exceed the number of sums of £18 which shall have been paid for supernumerary convicts or prisoners, in which case the further sum of £18 shall in like manner be paid for each of such supernumerary convicts or prisoners which the said Jeremy Bentham, or his successors, shall be required to receive beyond the number already paid for as aforesaid, (that is to say) if 200 supernumeraries shall, in the first place, be committed to the charge of the said Jeremy Bentham, or his successors, and the number of such supernumeraries shall be afterwards reduced to 200, then the addition of £18 for any supernumerary shall not be paid in respect of any further supernumeraries which may successively be added to the remaining number of 200, until the number of supernumerary convicts or prisoners shall be so augmented as to amount to more than 200 in the whole, in which case the sum of £18 shall be paid for so many as shall exceed the number of 200, and so from time to time, as long as these articles shall be in force.

Article 4th.—And whereas by an Act of Parliament made and passed in the 24th year of His present Majesty's reign, and intituled, "An Act for the effectual Transportation of Felons and other Offenders, and to authorize the removal of Prisoners in certain cases, and for other purposes therein mentioned," power is given to His Majesty, to direct the removal of any male offender under sentence of death, but reprieved during pleasure, and under sentence of transportation, and appearing in manner therein mentioned to be removed, to such place of confinement within England and Wales, as His Majesty shall appoint, under the management of any officer appointed by His Majesty; whereupon it is therein moreover provided, that every offender so removed, shall continue in the place of confinement, or be removed to and confined in any other place, as His Majesty shall appoint, until such offender shall be transported, or by the expiration of his term shall be entitled to his liberty, or until His Majesty shall direct the return of such offender to the pool from which he first have been removed; and it is by such Act also provided, that after the removal of any offender under the same, such officer shall, during the term, have the powers incident to the office of Sheriff, or gaoler, and be answerable for any escape of such offender, and also during such custody shall feed and clothe such offender, and shall keep him to labour, at such places, and under such directions as His Majesty shall, by order directed to such officer, appoint: Now it is hereby further agreed, that in pursuance of the said first herein-before recited Act of the 24th day of July 1794, the said Lords Commissioners, or their successors, shall humbly recommend to His Majesty, that he will be graciously pleased to appoint the said Jeremy Bentham to be governor of the said Penitentiary House or Houses, and buildings herein-before agreed or undertaken to be erected, when the same shall be finished and made fit for the purposes of the said Act, with their appurtenances, during his natural life, with the same powers as His Majesty is by the said Act, made in the 24th year of his reign, enabled to give to such officer, as therein and herein-before is mentioned. And in case the said Jeremy Bentham shall be desirous of resigning such office and powers as aforesaid, at any time during his life, and shall nominate one or more fit and proper person or persons to be appointed in his stead, so that during his life, the said Lords Commissioners, or their successors, shall humbly recommend to His Majesty, that he will be graciously pleased to appoint such person or persons to be governor or governors as aforesaid, and with such powers as aforesaid, for and during the natural life of him the said Jeremy Bentham, or for any term or terms of years determinable upon his decease, if such person or persons shall so long live, and so from time to time during the natural life of the said Jeremy Bentham, so that during his life such office and powers shall be exercised, and the benefits to be derived therefrom shall be received by the said Jeremy Bentham, or some person or persons to be named by him; and in case the said Jeremy Bentham shall die in the lifetime of his brother Samuel Bentham, knight of the order of Saint George of the empire of Russia, Brigadier-General in the service of Her Imperial Majesty the Empress of Russia, the said Lords Commissioners, or their successors, shall in like manner humbly recommend to His Majesty, that he will be graciously pleased to appoint the said Samuel Bentham to be governor as aforesaid, with such powers as aforesaid, during his life; and in case the said Samuel Bentham shall be desirous of resigning such office and powers, at any time during his life, or shall decline accepting such office and powers, and shall nominate one or more fit and proper person or persons to be appointed in his stead, so that during his life, the said Lords Commissioners, or their successors, shall humbly recommend to His Majesty, that he will be graciously pleased to appoint such person or persons to be governor or governors as aforesaid, with such powers as aforesaid, for and during the natural life of him the said Samuel Bentham, or for any term or terms of years determinable upon his decease, if such person or persons shall so long live, and so from time to time during the natural life of the said Samuel Bentham, so that after the decease

of the said Jeremy Bentham, and during the life of the said Samuel Bentham, such office and powers shall be exercised, and the benefit thereof enjoyed by the said Samuel Bentham, or some person or persons to be named by him; and the said Lords Commissioners, and their successors, shall also humbly recommend to His Majesty, to appoint every such successive governor as aforesaid Feeblee of the said piece of ground, to be purchased for the purposes of the said last recited Act. And the said Jeremy Bentham, and such successive governors as aforesaid, to be appointed as aforesaid, shall have and receive an allowance, at and after the rate of £12 a year, for each convict or prisoner, which shall be committed to his or their custody, for the care and maintenance of such convict or prisoner, over and above such additional allowances, for and in respect to the care and maintenance of his lodgings, and accommodations, for supererogatory convicts or prisoners, as herein-before mentioned, such allowances to continue and be made, and to become due or payable from the expiration of twelve calendar months next after the day when the said hereby-intended Penitentiary House or Establishment shall be in readiness to receive the said number of 1,000 convicts or prisoners, in manner herein-before mentioned, and after such notice thereof shall have been given as aforesaid; the before-mentioned payments or allowances, amounting together to the said sum of £12,000, being intended to include all the charges attending the custody, maintenance, and employment of the said original number of 1,000 convicts or prisoners, according to the tenor and purport of these presents, for and during the first year after the commencement of the said hereby-intended Establishment; except only the amount of the premiums to become due for or in respect of such insurance as herein-after is mentioned. It is also agreed, that the annual sum of £12,000 at the least, shall be paid as aforesaid, as for 1,000 convicts or prisoners, at the rate of £12 for each convict or prisoner, whether there shall entirely be 1,000 of such convicts or prisoners in the said Penitentiary House or not.

Article 3th.—The said Jeremy Bentham and his successors, as above mentioned, shall moreover be respectively allowed to retain and apply to his and their own use respectively, the produce of and profit upon the labour of all and every such convicts or prisoners as shall be committed to his or their charge or charges, who shall be kept to labour under the direction of the said intended governor or governors, subject only to the allowances herein-after stipulated and agreed to be made to or for the benefit of such convicts or prisoners respectively.

Article 4th.—Each of the said convicts or prisoners shall be duly supplied, at the expense of the said Jeremy Bentham, his heirs, executors, administrators, or assigns, with such wholesome food and sustenance as is next herein-after mentioned; (that is to say, bread interchangeable with rice, peas, potatoes, or other farinaceous grain or roots commonly used for human food, or with mashes made of oatmeal or other meal or grain, or frum commonly used for human food, as much as such convict or prisoner shall choose to eat, together with a competent allowance of meat or fish, or fowls or other meats made or compounded from or out of the flesh of any such animals, and of such parts of animals as are usually slaughtered for human food; which said allowance of meat, or fish equivalent for the same as aforesaid, shall also be made in like manner, without stint, to every convict or prisoner who shall be employed in any kind of work or labour, and who shall exert himself therein with ordinary diligence in the execution of the same; but in case of idleness, or misbehaviour in any such convicts or prisoners or prisoners respectively, for labour, the quantity of such meats or succulentum to meat, as well as the quality of both sorts of food for such convicts or prisoners who shall be idle or misbehave as aforesaid, the same being wholesome and sufficient for the immediate sustenance of such convicts or prisoners respectively, shall be left to the choice of the said Jeremy Bentham and his successors, who shall be governor or governors as aforesaid, they respectively acting therein with humanity and sound discretion.

Article 5th.—Each of the aforesaid convicts or prisoners shall be kept properly clothed, and for that purpose shall be supplied once in every year at the least with a complete suit of clothes, and with a clean shirt at least twice in every work, at the expense of the said Jeremy Bentham, his heirs, executors, administrators, or assigns.

Article 6th.—Each of the aforesaid convicts or prisoners shall in like manner be constantly supplied with a separate bed and bedding of sufficient warmth, and kept in a state of constant cleanliness, clean sheeting or blanketing being supplied for each such bed at least once in every month; and all possible attention shall be paid to the cleanliness of such convicts or prisoners, in every respect as far as circumstances will permit.

Article 7th.—The said Penitentiary House, with the buildings and offices to belong thereto, shall at all proper seasons, and in every part thereof, be sufficiently warmed and lighted, and every proper precaution taken to prevent the same from becoming infectious or unwholesome, to preserve the convicts or prisoners confined therein in good health.

Article 8th.—None of such convicts or prisoners shall be suffered to have or be supplied with any kind of spirituous or fermented liquors, except in such cases as the same shall have been prescribed for them in the way of medicine, when sick or diseased.

Article 9th.—A chaplain (being a clergyman of the Church of England) shall be provided at the expense of the said Jeremy Bentham, his heirs, executors, administrators, or assigns, who in person, or by his occasional and sufficient deputy, shall be constantly living in the midst of the said convicts or prisoners, and keeping the whole assemblage of them under his eye.

Article 10th.—So in like manner a surgeon of competent skill and experience shall be provided, under whose care a sufficient quantity of all proper medicines shall be kept in hand, and ready to be administered upon every necessary occasion.

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Article 13th.—A sufficient number of competent schoolmasters shall also in like manner be provided and kept, by whose instruction shall be administered on every Sunday at the least, during the intervals of meals and divine service, in reading, writing and arithmetic, so as many of such convicts or prisoners as shall be found to stand in need thereof.

Article 14th.—Each of the said convicts or prisoners shall be allowed a share of his earnings, to the amount of not less than one fourth part of the full value thereof.

Article 15th.—A portion of such share or allowance (but, unless with the prisoner's consent, not exceeding the half thereof) shall be retained by the said Jeremy Bentham, and his said successors respectively, as the consideration money for an adequate superannuation annuity to be granted by the said Jeremy Bentham and his said successors, immediately upon the expiration of such prisoner's confinement, to and for the benefit of each such prisoner respectively, upon the principle of the annuities granted by the Societies called Friendly Societies, for the life of such prisoner; the commencement, amount, and conditions of such annuities to be determined by two referees, the one on the part of His Majesty, His heirs or successors, to be named by the said Lords Commissioners or their successors, and the other by the said Jeremy Bentham or his said intended successors, with power for such referees to appoint an umpire in case of their disagreement.

Article 16th.—In case any of such convicts or prisoners shall be suffered to escape from the custody or charge of the said Jeremy Bentham, or his said intended successors, he or they shall respectively be made debtors to government in their quarterly account, to the amount of £50 for or in respect of every such convict or prisoner as shall so escape (without his violence from within only excepted): Provided nevertheless, that he the said Jeremy Bentham, and his successors, shall be made creditors to the like amount, for every such convict or prisoner who shall have so escaped, and may be retained at his or their costs and charges within the term of six calendar months next after every such escape.

Article 17th.—The life of every such convict or prisoner as aforesaid shall be insured by the said Jeremy Bentham, and his successors (governor or governors as aforesaid) at the rate of £100 for each such convict or prisoner, for and in consideration of a proportionable premium, to be paid by the said Lords Commissioners and their successors, as follows; (that is to say), a computation shall be formed of the number of deaths that may be reasonably expected to take place among such convicts or prisoners in the course of each year, out of the said original number of 1,000 prisoners living at the commencement of each year, taking for the standard or base of such computation the annual proportion of the sum total of the deaths at the end of a year to that of persons living at the commencement of the said year, according to the London Bills of Mortality, and the calculations grounded thereon by the late Reverend Dr. Price; provided that in the first year's account, in the computation of the deaths to be expected, according to the said Bills and calculations, the whole number of deaths among persons of all ages shall be taken into such account; but that in the account of every subsequent year, all ages under those of ten, and above sixty five years, shall be excluded; and such computation being respectively made, the said Jeremy Bentham and his successors shall, at the end of each year, be on the one hand made creditor or creditors to the amount of £100 for every death, which is the course of the said year might, according to such computation, have been expected to take place among the said convicts or prisoners; and on the other hand, debtor or debtors to the said amount of £100 for every death which within the said period shall actually have taken place: as for example, if the number of deaths expected to have taken place at the end of the year shall be as one to twenty-five, the number of persons living at the commencement of the said year (for the said intended original number of 1,000 convicts or prisoners) such number of deaths will be forty, and the sum of £4,000 will then be the sum which the said intended governor or governors will actually be made creditor or creditors for, upon the supposition of his or their receiving the said number of 1,000 convicts or prisoners, and as such governor or governors will be made debtor or debtors in the said amount of £100 for every convict or prisoner, who, during the said period, shall actually have died, it follows that if no more or less than the expected number of forty persons shall have died, then such governor or governors will neither have to receive or pay any sum or sums of money for and on account of such infirmities; but if instead of forty, forty-one persons shall happen to die, then such governor or governors will be liable to pay the amount of £100; and if, instead of forty, thirty-nine persons only shall happen to die, then such governor or governors will be entitled to receive to the said amount of £100; and £4,000 for 1,000 prisoners, being in the same proportion as £4 for one prisoner, therefore, according to the above-mentioned computation, £4 will be the premium for which such intended governor or governors is or are to be made creditor or creditors on account of each individual prisoner on the day when delivered in his charge, on condition of being made debtor or debtors to the amount of £100 in the event of such prisoner's dying in his or their custody within the compass of a year, reckoning from the day of such deliverance, and so in proportion for any term less than a year, and in like manner from the end of a year during the whole time such prisoner shall be in custody. And it is hereby also agreed, that in case any dispute or difference shall arise or happen, touching the amount of such premiums, or the payment of the said eventual head-money of £100, according to the rate of calculation hereby fixed upon, the same shall be settled by arbitration of referees, to be named as in the sixteenth Article is mentioned.

Article 18th.—On the discharge of every such convict or prisoner as aforesaid, or at any subsequent period, it is agreed the said intended governor and his successors shall, on the application of such convict or prisoner (he being able to work) engage such late convict or prisoner

prisoners as hired servants by the year, paying him at the rate of not less than one shilling per day for his work and labour, exclusive of lodging, washing, and firing, one-third of which allowance of one shilling per day, or of any greater allowance, may be retained by the governor for payment of necessary clothing furnished by him to the said prisoner, until the amount thereof, not exceeding three pounds, shall have been discharged.

Article 19th.—It is evermore agreed, that in the event of any such convict or prisoner's committing any felony after his discharge from imprisonment, whether he shall be then employed or left above-mentioned or not, there shall be paid by the said Jeremy Bentham, or his legal successors, on the conviction of such felony, a sum of money payable to the indemnity fund of the party or parties sustaining any loss by such felony, increasing according to the number of years during which such felon shall have been under the care of the said several governor or governors; viz. a sum which shall be fully equal in amount to the damage sustained from or by reason of such felony, if it shall not exceed £25, and such felon shall not have been more than one full year under the care of such intended governor or governor; £20 if such felon shall have been under his or their care two years, £15 if three years, £10 if four years, £5 if such felon shall have been under the care of such intended governor or governors for the space of five years or upwards; such sums to be respectively paid to any person or persons in whose favour a certificate for such purpose shall have been granted by the Court before whom the conviction of such felon shall have taken place; provided that if any one such felon shall in have been convicted of divers felonies, the sums payable on account thereof shall not in the whole exceed the largest of the several sums left those respectively limited.

Article 20th.—It is hereby also agreed, that the said first intended governor and his said successors shall, on the first day of every term, by himself or themselves respectively, or his or their sufficient deputy, present to the Justices of His Majesty's Court of King's Bench at Westminster, a comprehensive report in writing, exhibiting in detail the whole state of the Establishment hereby intended, and shall also by such deputy, or by himself or themselves, in person, if thereto ordered or required by the said Court, then and there, as well as on any other day or days, on summons from the Court, or in vacation time from any Judge thereof, full, true, and perfect answer make upon oath (if required) to all such questions as shall be put to him or them, in relation to the same Establishment, or the state, management, and conducting thereof, not only on the part of the said Court, or any officer of the Crown, but by leave of the said Court or any one Judge thereof, on the part of any other person or persons whatsoever; and shall also at any time severally and respectively surrender his or their said offices, if thereto ordered by the said Court, according to the order thereupon to be made by the said Court, on proof duly obtained as above, or otherwise, of misbehaviour in the execution of the said office.

Article 21st.—Upon the decease of the survivor of them the said Jeremy Bentham and Samuel Bentham, an estimate shall be made of the said Penitentiary House to be erected on the said piece or parcel of ground as aforesaid, and all and every the erections and buildings then standing thereon, and of the stock and other effects occupied and used with the same, such estimate to be made by two persons, one to be appointed by the Lord High Treasurer, or Lords Commissioners of the Treasury for the time being, and the other by the representative or representatives of the survivor of them the said Jeremy Bentham and Samuel Bentham, and in case such referees shall differ in opinion, they shall appoint an umpire, whose decision shall be final; and out the sum to be estimated as the value of such buildings and effects as aforesaid, shall be deducted the sum of £10,000 being the part of the said sum of £231,000 to be advanced by the public as aforesaid, after allowing the sum of £12,000 for the maintenance of 1,000 convicts for one year as aforesaid, and the sum which shall be found as the value of such buildings and effects as aforesaid, after deducting such sum of £10,000 as aforesaid, shall be paid by the said Lord High Treasurer or Lords Commissioners, to the representative or representatives of the said Jeremy Bentham and Samuel Bentham, with interest after the rate of five per cent. per annum, from the death of the survivor; and such representative or representatives shall be authorized to act as governor or governors of such Penitentiary House, with such powers as aforesaid, and shall continue to confine and employ all the convicts or prisoners remaining in or about the said Penitentiary House and buildings, at the time of the decease of such survivor as aforesaid, or which shall be first thereto, upon the same terms and conditions as the said Jeremy Bentham is hereby bound to confine and employ such convicts or prisoners, until His Majesty, His heirs or successors, shall be able to make other provision for the management and disposal of such prisoners.

Lastly.—The said Jeremy Bentham doth hereby for himself, his heirs, executors, administrators, and assigns, covenant, declare, grant and agree to and with the said Lords Commissioners of the Treasury, that the said Lord Commissioners of His Majesty's Treasury, or any of them, their or any of their heirs, executors, or administrators, shall not be liable in any of their persons or estates to any action of covenant, or other action or suit whatsoever, by reason or means of their being, on His Majesty's behalf, made parties to this contract. In witness, &c.

Appendix, No. 5.

RULES, Orders, and Regulations, to be observed and enforced as Bye Laws, for the government of the House of Correction, provided and established at SOUTHWELL, in and for the County of NOTTINGHAM.

CONTENTS.

- THE JAIL.**
1. VISITING Justices to be appointed, who are to visit and inspect, and make Reports to the Quarter Sessions.
 2. Every Justice may examine and inspect the Books of Correction.
 3. Disobedience of the Justices to be avoided, and accounted to the Quarter Sessions.
 4. The stocks, if reported, to be taken into immediate consideration, at the Quarter Sessions.
 5. Writings to request resolution of Justices to the Judge of Assize, in order that such Justices may, if they think proper, recommend such offenders to the Royal Mercy.
 6. Visiting Justices to provide prisoners for repeated or serious offences, by whipping or close confinement.
 7. Visiting Justices to provide religious books.
 8. Visiting Justices to appoint a temporary assistant, to assist the prisoners.
 9. Visiting Justices to appoint a person to supply the prisoners with provisions or clothing.
 10. Visiting Justices, in order of satisfaction or disapproval, to order conditional releases.
 11. A committee of Justices, or the visiting Justices to examine books and accounts.
 12. Justices, in addition, not to order payment of any bills, except such as have been examined.
 13. Justices to visit officers according to merit.
- THE GOVERNOR.**
14. The governor to be paid a salary of one hundred pounds a year.
 15. The governor to receive one-fourth of the net profits, arising from the prisoners' sale work.
 16. The governor to give a security for his discharge of the rules, regulations, and orders.
 17. The governor to receive satisfaction in prisoners.
 18. The governor to punish delinquent prisoners.
 19. The governor to request satisfaction of the officers.
 20. The governor to put level-calls or fustens upon any prisoner, who is refractory, or who attempts to escape.
 21. The governor to make a book, all punishments.
 22. The governor to keep a journal.
 23. The governor to keep a discipline-book.
 24. The governor to keep a calendar, and to make a return, at every Quarter Sessions.
 25. The governor to keep a work-book.
 26. The governor to keep a register, and to return, annually, a printed copy of the same to the Judge of Assize, and the Justices of the Peace.
 27. The governor to deliver, in the books, those who are bound to hard labour, from those who are not so committed.
 28. The governor to keep all accounts, relating to the money, and the property of the prisoners.
 29. The governor to prevent fraudulent impositions upon the County or the prisoners.
 30. The governor to make contracts for clothing, diet, and recreation.
 31. The governor to pay all seasonal bills, and enter all accounts, concerning the expenses of the prison.
 32. The governor not to be concerned in any other occupation or employment.
 33. The governor not to suffer any profits, except his wife, seasonal children, and servants, to help in his book.
 34. The governor not to punish any person, except the officers, to interfere in the government of the prison.
 35. The governor to see every prisoner twice a day.
- THE PRISONERS.**
36. The governor to supply the prisoners according to the system now adopted, or otherwise, as the employment cannot be improved.
 37. The governor to adopt the employment of every person to his strength.
 38. The governor to measure working tools, when the hours of labour are paid.
 39. The governor to keep up, in every department, the price of food and provisions.
 40. The governor not to have any interest in the sale of any article, nor to admit any wine, ale, beer, &c. &c.
 41. The governor to examine, within forty-eight hours, any complaint preferentially by prisoners.
 42. The governor to give satisfaction of any charge, in the visiting Justices, and to attend the same, with a reward.
 43. The governor to give information when any prisoner dies, to the visiting Justices, and to the coroner.
 44. The governor to be tried or removed for satisfaction.
- THE TURNKEY.**
45. The turnkey to be allowed a salary of twenty pounds a year, by the County, and maintained by the governor.
 46. The turnkey, or any deputy, convicted of drunkenness, to be dismissed.
 47. The turnkey to be provided against for stealing and fencing.
 48. A servant to be appointed, to provide clothes for the prisoners, in the house of Southwell.
 49. A prisoner may be appointed as a servant.
- THE CHAPLAIN.**
50. The chaplain to be allowed a salary of twenty pounds a year.
 51. The chaplain to perform divine service on every Sunday, Christmas-day, and Good Friday.
 52. The chaplain to attend the days and hours of his attendance, and to record his attendance.
 53. The chaplain may, in case of absence, appoint a deputy.
 54. The chaplain to visit the prisoners, administer the sacrament, and distribute religious books.
 55. A dissenting minister may attend any prisoner.
- THE SHERIFF.**
56. The Sheriff to attend the debt, and make a bill, and to deliver the discipline, at every the due of any prisoner, in case of necessity.
 57. The Sheriff to attend, when required.
 58. The Sheriff to give notice, when prevented from attending.
- THE DEBTORS.**
59. The general department of the officers.
 60. The officers to abide from habits, oppression, or partiality.
 61. The governor, the officers, and the governor's family, to attend chapel.
 62. The governor, and all other persons, to be watchful in seeing the prisoners regularly employed.
 63. The officers not to receive any money, or gratification, for the services of any person to the prison or the prisoners.
 64. The officers to accept no gratuity for the prison prohibited indulgences.
 65. The officers to examine parole, and fresh persons, admitted into the prison.
66. A female

RULES.

66. A female to furnish and assemble females.

THE DISCIPLINE OF THE PRISONERS.

67. The prisoners to be rewarded for obedience, and punished for disobedience or voluntary default.
68. Prisoners to be separately lodged, and confined to their cells and beds.
69. No prisoner to receive in his possession any tools or dangerous implements.
70. Prisoners not to smelt any fire or gristle.
71. Prisoners to attend Divine Worship, and behave reverently.
72. Prisoners to be furnished with the daily necessary clothing, consisting of one pair of clean linen, and one pair of trousers.
73. Prisoners to be clothed.
74. Prisoners, convicted of vagrancy, not to be allowed the necessary bedding.
75. Superfluous prisoners may be placed in the unoccupied apartments of a different ward.
76. Prisoners, at the end of the night, to rise and make their beds, &c.
77. Prisoners to be locked up in their apartments, at three o'clock in summer, and at twelve in winter; and in their lodgings, at eight o'clock throughout the year.
78. Prisoners to wash their heads, &c. &c.
79. Prisoners to receive an allowance of soap.
80. Prisoners committed to be held in hard labour, to be employed.
81. Prisoners not ordered to hard labour, if recommended at the daily reports, to be employed.
82. Prisoners to perform their tasks, and not to make any part of the gain.
83. Prisoners to be separated, during the hours of labour.
84. The net profits arising from the sale-work of the prisoners, to be divided between the County, gaolkeeper, and the prisoners.
85. Prisoners to be entitled to the profits arising from their additional labour.
86. Every prisoner held in hard labour, and employed, to receive extra-murderous.
87. Every prisoner not held in hard labour, and employed, to receive extra-murderous.
88. No prisoner to claim any portion of his earnings, until he discharge, which is to be ordered directed by one of the visiting Justices.

RULES.

89. No person employed and committed to hard labour, to have any money, or purchase any valuable, except according to these rules.
90. Every prisoner, not committed to hard labour, and not allowed such pay or remuneration, may receive the profits of his money, &c. &c.
91. Prisoners refusing to obey the orders of the governor, or to be directed by any officer, and be punished accordingly.
92. Prisoners guilty of lying, or of wilfully disobeying, to be held in their earnings.
93. A prisoner to be appointed a ward-master.
94. The ward-master to cook and clean.
95. Prisoners, who, to be held by the gaolkeeper, and sentenced with tools, not to be held in their earnings.
96. Prisoners promising under any condition, to be received in a hospital.
97. No prisoner to be allowed, or, unless at his own request, to be allowed, under any condition.

DISCIPLINE OF SPECIAL PRISONERS.

98. Female prisoners to be governed at the order.
99. Female prisoners to perform the duties of working.

THE PRISON.

100. A chimney to be fixed in the lodge.
101. Bell-ringing.
102. Tilt and board bed.
103. Fencing.
104. Clothing.
105. Chamber.
106. Rules, regulations and conditions.
107. Duties of the prisoners.
108. Prisoners.
109. White-washing.
110. Repairing windows.
111. Court yard.
112. Domestic articles.
113. Prisoners not to be admitted without a written authority from a Justice of the Peace.
114. Prisoners not to be admitted, except as regulated here, and under certain restrictions.
115. Prisoners not to be allowed work on a Sunday, except between the hours of half past twelve and half past one.
116. Rules to be printed and published.
117. Rules to be read, and hanging.

Justice of the Peace.

—1.—

IT is Resolved, "That for the better preventing all abuses in the" Nottinghamshire House of Correction, the Justices of the Peace shall, at every Michaelmas General Quarter Sessions, appoint two or more Justices, visitors of the said House of Correction, who shall, either together or singly, personally visit and inspect such House of Correction at least three times in each quarter of a year, and oftener if occasion shall require; and shall examine into the state of the buildings, the behaviour and conduct of the respective officers, and the treatment and condition of the prisoners, the amount of their earnings, and the expenses attending such prison; and in matters of pressing necessity, and within the powers of their commission as Justices, shall take cognizance thereon, and proceed to regulate and redress the same; and at every General Quarter Sessions of the Peace, the said visiting Justices respectively shall make a Report, in writing, of the state and condition of the same, and of all abuses which may occur to their observation therein; and the Chairman of the said Sessions is hereby required to call upon the visitors for their Report." 31 Geo. 3. c. 46. f. 5.

2.—"That it shall be lawful for every Justice of the Peace for this county, of his own accord, and without being appointed a visitor, to enter into and to examine the House of Correction, at such time or times, and as often as he shall think fit; and if he shall discover any abuses therein, he is hereby required to report them, in writing, at the next General Quarter Sessions of the Peace;" and it is recommended to all Justices of the Peace for the county, to inspect the House of Correction, as frequently as possible, and to ascertain, by inquiry and investigation, the manner in which these Rules and Regulations have been observed or infringed by the several officers, as well as by the prisoners. 31 Geo. 3. c. 46. f. 5.

3.—That a book be kept, wherein the visiting Justices, and all other Justices, are requested to record their observations, and, in cases of importance, to direct, that their remarks be transcribed and annexed, by the governor, to the calendar, when returned at the General Quarter Sessions then next ensuing.

4.—"That the abuses so reported in manner aforesaid, shall be taken into immediate consideration by the Justices of the Peace, at the General Quarter Sessions at which such

Report shall be made; and that they do adopt the most effectual measures for acquiring into and rectifying such abuses as soon as the nature of the case will allow." 31 Geo. 3. c. 46. l. 5.

5.—"That if the visiting Justices shall at any time observe, or be satisfactorily informed of, any extraordinary diligence or work in any of the offenders under their inspection, they shall report the same to the Justices of Oyer and Terminer and Goal Delivery, at their next or any subsequent Sessions to be holden for the County, in order that such Justices may, if they shall think proper, recommend such offender to the Royal mercy, in such degree, or upon such terms, as to them shall seem meet; and, if His Majesty shall thereupon be graciously pleased to shorten the duration of such offender's confinement, such offender shall, together with necessary clothing, receive such sum of money, for his or her immediate subsistence, as the said visiting Justices shall think proper, to be such sum shall not exceed twenty shillings, nor be less than five shillings, in case such offender shall have been confined for the space of one year, and in proportion for any shorter term of confinement; and such sums of money, as also the expense of such clothing, shall be paid out of the County rate." 31 Geo. 3. c. 46. l. 14.

6.—"That the visiting Justices, or one of them, to be appointed as before mentioned, in case of the repetition of petty offences, or in case of offences more enormous, committed, by the prisoners, which the governor is not by these rules empowered to punish, may, whenever the same are reported to them by the governors, enquire upon oath, and determine concerning all such offences so reported to them, and shall order such offenders to be punished, either by moderate whipping, repeated whippings, or by close confinement for any term not exceeding one month." 31 Geo. 3. c. 46. l. 3.

7.—"That the visiting Justices be authorized to expend annually any sum not exceeding four pounds, in the purchase of bibles, tracts, and prayer books, for the use of the chapel and the prisoners; and in providing, after a sufficient number of these have been procured, any of the books or tracts published by the Society instituted for promoting Christian Knowledge, or by the Society established for the propagation of the Gospel.

8.—"That the visiting Justices may appoint a temporary assistant or assistants, for any term not exceeding three months, to instruct the prisoners confined in the House of Correction, in any business, or branch of manufacture, which the Justices shall think proper to set on foot and undertake there." 31 Geo. 3. c. 46. l. 3.

9.—"That the visiting Justices, or one of them, shall from time to time, according to their discretion, appoint a prison or persons, residing within the town of Southwark, to furnish the prisoners, at reasonable prices, with such articles of diet or clothing as the prisoners are permitted, by these Rules and Regulations, to purchase.

10.—"That the visiting Justices, or one of them, may, in all cases of sudden or unforeseen exigence, for which no provision is made by these Rules, order such occasional measures as may appear absolutely necessary for carrying into effect the intentions of the Legislature, concerning Houses of Correction; but that no such order shall continue in force longer than until the next General Quarter Sessions.

11.—"That a Committee of Justices, to be appointed at any General Quarter Sessions, or in default of such appointment, that the visiting Justices shall, on some day in the week next immediately preceding each of the General Quarter Sessions, examine all books and all accounts which the governor or keeper is, by these Rules, herein after ordered to keep, and compare them with the receipts and vouchers; and shall, if they think fit, call upon the governor to verify the same on oath, and shall allow or disallow the same accordingly. And the said books and accounts, being so examined, balanced and allowed, they shall deliver to the governor a certificate, in writing, to be preserved by him, as a necessary authority for taking in his own use the governor's share of the profits arising from the labour of the prisoners. And on suspicion of any fraudulent or improper charges, the Committee, or the visiting Justices, may examine on oath any person, concerning the same; and if any fraud or collusion shall appear, the Committee or the visiting Justices shall deliver the depositions taken and made concerning such enquiry, together with their judgment thereupon, to the General Quarter Sessions; and the Court shall, if the offence appears to be fully proved, direct the said governor, and shall order him to be indicted at the next General Quarter Sessions, or ordered to punish him, by imposing upon him such fine as the Court may think fit. 7 Jac. 1. c. 4. l. 9. 17 Geo. 2. c. 3. l. 31. 19 Geo. 3. c. 74. l. 22. 43.*

12.—"That the Justices do not, except at the General Quarter Sessions, make any order for the payment of any bills relative to the expenses of the House of Correction, and that no such bills be received, unless they have been delivered to the governor at least seven days before each of the General Quarter Sessions, for the purpose of being submitted to the examination of such Committee as may be appointed for the superintendence of the House of

* In f me of these Rules, the inverted Commas are omitted, and a reference is given at the conclusion, with an intimation of ening the authority by which the general purpose of the Rule is established, although the language of the Legislature has been so compressed or transposed, as to render it impossible to deduce, precisely, by inverted commas, the exact number of words borrowed from each of the Statutes.

of Correction at any General Quarter Sessions; and that in case of no such appointment, the said bills shall then be examined by the visiting Justices.

13.—That the Justices do, in the selecting of officers from time to time, disregard every recommendation, except such as arise from the capacity and qualifications of the candidates for executing the duties of the visiting officer; and that their determinations, in making such appointments, be influenced solely by these considerations.

The Governor.

14.—It is ordered, that the governor or keeper of the Nottinghamshire House of Correction be paid a salary of one hundred pounds a year; in consideration of which he shall neither take or demand any fee, gratuity, or emolument, except such as are herein after specified. 22 Geo. 3. c. 64. l. 9. 31 Geo. 3. c. 46. l. 1.

15.—That the governor, when his accounts have been examined, allowed, and certified, as herein-before directed, be authorized to take and apply to his own use, a proportion amounting to one-fourth of the net profits arising from the toll-work performed by the prisoners; in order that, "in as far as may be, the emolument of his office may be paid upon the quantity of the work done; and that it may become the motive, as well as duty, of such governor, to let that persons under his custody be regularly and profitably employed." 22 Geo. 3. c. 64. l. 9. 31 Geo. 3. c. 46. l. 2.

16.—That the governor shall, on accepting his office, enter into a bond with a sufficient surety, in the sum of one hundred pounds, payable to the Clerk of the Peace, as a security for the performance of his duty; the condition of which shall be, "That he shall regularly observe and keep the rules, regulations and orders, made by the government of this House of Correction;" And should it be thought necessary, to send him with money for carrying on the employment of the prisoners, that he shall give such further security as may, at any General Quarter Sessions, be demanded. 31 Geo. 3. c. 46. l. 1.

17.—That the governor be authorized, with the consent of the visiting Justices, or either of them, detained in writing, to reward and encourage every prisoner who shall appear diligent and meritorious, by giving him from time to time as advance, any part of the profits arising from the earnings of such prisoner, which he would otherwise, according to this statute, be entitled to receive at his discharge, and not before. 19 Geo. 3. c. 74. l. 45. 22 Geo. 3. c. 64. l. 7.

18.—"That the governor shall have power to hear complaints, and receive prisoners, touching any of the following offences; that is to say, disobedience of any orders of the House, offences by one prisoner upon another, when no dangerous weapon or knife is given; profane cursing or swearing, or insolent behaviour; and riots or disturbances in work; or wilful mismanagement, or any omission, or any act declared and condemned an offence by these Rules and Regulations; and may punish such offences by close confinement in a cell, or in a darkened cell; and by keeping the offender on bread and water only, for any sentence exceeding three days." 31 Geo. 3. c. 46. l. 3. 19 Geo. 3. c. 74. l. 46.

19.—"That the governor shall, in case of the repetition of such last-mentioned offences, or in case of offences more criminal, which the said governor is not empowered to punish, report the same to the visiting Justices, or one of them, to the intent that the offender may be punished by whipping, or other punishment due a larger term, as herein-before mentioned." 31 Geo. 3. c. 46. l. 3.

20.—"That the governor shall have power to put on hand-cuffs, or fetters, upon any prisoner who shall behave in a refractory manner, or show a disposition to break out of prison; but he shall give notice thereof to one of the visiting Justices, within forty-eight hours after the prisoner shall be so treated; and he shall not continue such fettering longer than six days, without obtaining an order in writing from one of the visiting Justices." 22 Geo. 3. c. 64. l. 11.

21.—"That the governor shall enter in a book, to be kept by him for the inspection of the visiting Justice or Justices, and of every other Justice of the Peace for the county, the name of every person who shall be punished, expressing the offence, the nature and duration of the punishment, and the authority by which such punishment was inflicted." 22 Geo. 3. c. 64. Schedule to the Act. Rule 2.

22.—That the governor shall keep a journal, in which he shall record and enter the daily transactions and occurrences at the prison.

23.—That the governor shall keep a book, containing a description of every prisoner committed for trial, or sentenced to imprisonment for one longer term than three calendar months; and shall not suffer any such prisoner to be conveyed into the ward to which he belongs, until the description of such prisoner has been entered in this book, under the following heads; prisoner's name, parish, county, trade, age, years, complexion, colour of eyes, colour of hair, when received, marks and remarks.

24.—That the governor shall keep a calendar, divided into separate columns, in which he shall enter the following particulars, concerning each person committed to the House of Correction; number, name, age, when received, when committed or conveyed, by whom examined

committed or convicted, crime, time and place of appearance, or trial or result of trial, sentence or conviction, trade or occupation, employment, how disposed of, or when discharged; references to the calendar, before or after trial, and behaviour. That the governor shall close this calendar on the twenty-fourth day of June in every year, and make an and deliver as writing, to the Chairman of the Quarter Sessions, as soon as such Court shall be assembled, so much of the same as relates to the prisoners then in custody, together with such addition and observations as may be annexed by the order of the visiting Justices, or of any Justice of the Peace sitting for the county. 22 Geo. 3. c. 64. f. 3.

25.—That the Governor shall keep a work-book, containing the weekly accounts relating to the employment of the prisoners, not divided into columns, specifying the following particulars; wards, prisoners' names, employments, amount of earnings, number of days employed, amount of daily task, amount of weekly task, County's share, governor's share, prisoner's share, prisoner's extra-share, total of prisoner's shares, maintenance money, and remarks on behaviour; and shall, at every General Quarter Sessions, as soon as the Court begins to sit, submit this book to the inspection of the Justices. 19 Geo. 3. c. 74. f. 21. 22 Geo. 3. c. 64. f. 7.

26.—That the governor shall keep a register, in which he shall enter the following particulars concerning every prisoner committed to his custody; number, name, age, when received, when committed or convicted, by whom committed or convicted, crime, place and time of appearance, or trial or result of trial, sentence or conviction, trade or occupation, employment, begun work, allowance of bread and one penny per day, maintenance money, extra-maintenance in sickness, amount of prisoner's earnings, County's share of prisoner's earnings, governor's share of prisoner's earnings, prisoner's share, prisoner's extra-share, total of prisoner's shares, money paid to prisoner, balance due to prisoner, earnings exceed maintenance, maintenance exceeds earnings, when left off work, how disposed of, or when discharged, remarks, references to the register before or after trial, and number. That the above-mentioned entries shall be extracted from the several books, and completely filled up within one calendar month after the discharge of each prisoner; and that on the twenty-fourth day of June in every year, the whole of the annual accounts relative to the maintenance and earnings of every prisoner committed during the year then concluded, shall be closed and inserted in this register, under the several heads before-mentioned; and further, that copies of the same be printed, so that a statement may be presented annually to each of the Judges of Assize, on the first day of the Summer Assize, and to every Justice of the Peace sitting in and for the county. 19 Geo. 3. c. 74. f. 21. 22 Geo. 3. c. 64. f. 3.

27.—That the governor shall, in the calendar, the work-book, and the register herein-before mentioned, distinguish particularly those prisoners who are directed by the warrant of commitment to be kept to hard labour, from those who are not so committed. 22 Geo. 3. c. 64. f. 7.

28.—That the governor shall keep an account-book, in which he shall faithfully and distinctly enter all articles, or money, taken from any prisoner at the time of his admission, or received for his use, at any subsequent period of his confinement. He shall regularly enter in a book to be kept for this purpose, all receipts and disbursements relating to the private account of each prisoner, as well as to the shares of his earnings allowed by the County. He shall on every Saturday, between the hours of two and four in the afternoon, communicate to every prisoner who applies for information on this subject, the state of his accounts; and shall, without fee or reward, deliver to each prisoner at his discharge, if required so to do, a true copy of the several statements made relative to his property.

29.—That the governor do, at all times, exert his utmost vigilance to prevent any person supplying the County or the prisoners with any article, matter or thing, used in the House of Correction, from procuring any fraudulent or collusive imposition, by selling or delivering to the County or the prisoners any article deficient in quality or in quantity; and that he give immediate information thereof to the visiting Justices, whenever such offences come to his knowledge.

30.—That the governor be the agent to contract or agree for any clothing, diet, or other necessaries, that may be required in the prison; such contract or agreement having been previously approved by the Court of Quarter Sessions, or by the visiting Justices.

31.—That the governor shall pay all occasional bills left to his charge; and enter all accounts concerning the expends of the prison, in books to be provided for that purpose, wherein shall be specified the date of payment, with proper references to the vouchers; that he shall keep an exact statement of all the fixtures, and of all the moveable property within the prison belonging to the County, specifying the manner in which the same has been disposed of, and shall close these books on the twenty-fourth day of June, in every year.

32.—That the governor shall not be concerned, directly or indirectly, in any occupation or employment requiring his personal attendance without the walls of the prison.

33.—That the governor shall, on the twenty-fourth day of June, in every year, enter in his journal a list of his family, and shall not suffer any person, except his wife, his servants, or his unmarried children, to lodge in his house for more than one night, without the consent of a Justice

Justice delivered in writing, nor longer than three months without an order specially made by the Justices at their General Quarter Sessions.

32.—That the governor shall not permit any person or persons, except such as shall be regularly approved by the Justices in Sessions, or the visiting Justices, to interfere, either directly or indirectly, in any manner or thing concerning the government of the prisoners; or the management of the property, the buildings or the grounds, intrusted to his care by the County.

33.—That the governor shall see every prisoner in his custody, at least twice in every twenty-four hours; and shall, once in every day, go into every cell and apartment in the prison, and carefully examine whether any attempts to escape have been made; and that he shall not absent himself for a night, without the permission of a visiting Justice, signified in writing, unless in the execution of some part of his duty, which may require such absence, or by reason of some unforeseen accident, which he shall state in his journal.

34.—That the governor shall diligently persevere in employing the prisoners, according to the system of labour now adopted and enforced in the prison, by procuring the means of constant employment for every prisoner, without subjecting the County to any risk or expence: But that in case employment cannot be so procured, then the governor may, with the consent of the visiting Justices, carry on any manufacture, trade, or employment for the prisoners, on his own account; or may otherwise purchase on account of the County, with the consent of the visiting Justices, the necessary tools and materials for carrying on any such manufacture, trade, or employment, as the Justices at their General Quarter Sessions shall think fit; and shall keep an account of all such materials and tools delivered to his care, and of the prisoners to whom they were delivered to be manufactured or used; and shall estimate the value of the prisoners' labour, in manufacturing or fabricating the goods so wrought; and shall appertain, and enter in the work-book, the estimated profits arising from the labour of each prisoner so employed, in the same manner as if the said goods had been actually sold. And the governor shall keep a separate account of the money arising from the sale thereof, whenever the goods or any part of them are disposed of, together with the name of the purchaser, the price paid, and the date of the transaction. 19 Geo. 3. c. 74. s. 21.

35.—“That the governor shall adapt the various employments directed by the Justices at their General Quarter Sessions, to each person, in such manner as shall be best suited to his strength and ability, regard being had to age or sex,” and the warrant of commitment; and shall, for this purpose, assign to each prisoner a daily task, to be submitted from time to time to the visiting Justices. 21 Geo. 3. c. 54. Schedule to the Act, Rule 2.

36.—“That the governor shall, when the hours of working are passed, remove, by himself or his assistance, the working tools, implements or materials, or such of them as admit of removal, to places proper for their safe custody, to be there kept until the hour of labour shall return.” 19 Geo. 3. c. 74. s. 34.

37.—That the governor shall, within twenty-four hours after any alteration has been made in the value of the bread, or in the price of any of the articles of provision delivered or sold to the prisoners, hang up in every day-room a written statement of the weight of the prison bread, and the price of the several articles of provision so delivered or sold; and shall from time to time, continue and renew such statement, whenever it shall have been defaced or destroyed.

38.—That “no person or persons who shall be governor or keeper of the House of Correction, or who shall have any office or employment, as assistant, or otherwise, under such governor, shall sell or be capable of being hired to sell, or have any benefit or advantage whatsoever, directly or indirectly, from the sale of any wine, ale, beer, spirituous or other liquors, or any article, matter or thing, used at such House of Correction, or by any person or persons confined therein. And every person so offending, shall on conviction before a Magistrate, forfeit the sum of ten pounds for every such offence, and be dismissed from his employment as governor, keeper, or assistant, by the Justices of the Peace at their next General Quarter Sessions, on proof being made upon Oath before them of the said offence. And that no wine, ale, spirituous or other liquors, nor any tobacco, snuff, or other intoxicating drug, shall be brought into the House of Correction, to be drunk or used there, under any pretext or purpose, by written directions under the hand of the apothecary of the House.” 21 Geo. 3. c. 54. s. 8.

39.—That the governor shall, within twenty-eight hours, transmit in writing to one of the visiting Justices, the substance of any complaint which any prisoner may be disposed to prefer concerning any imposition, ill treatment, or other grievance to which such complainant may imagine himself to have been subjected during the time of his confinement, by any person within or without the walls of the prison.

40.—That the governor shall, in case any prisoner effect his escape, give immediate information thereof to one of the visiting Justices, and take the earliest opportunity of inserting in the county paper, and of publishing by hand-bills, the name and description of the prisoner, the offence for which such prisoner was committed, and a reward for his apprehension, which shall not be less than five guineas, to be paid by the governor, unless otherwise directed by the Court of Quarter Sessions, on receiving the Report of the visiting Justices.

42.—That the governor shall, whenever any prisoner dies, during the term of his confinement, give immediate information to one of the visiting Justices, and also to the Coroner for the division in which the House of Correction is situated, in order that an inquest may be held over the dead body; that the deceased prisoner be decently interred, as soon as convenient, under the direction of the governor; and if the goods or money retained in the possession of the governor, for the use or on account of such prisoner, be not sufficient to defray the charges attending his funeral, that the remaining expense be, in such case, paid by the County.

43.—"That if the governor or keeper of the House of Correction shall misbehave himself, or be delinquent, remiss, or negligent in his duty, the Justices at their General Quarter Sessions, are required to let and impose such fines and penalties upon him, as they think fit, or to remove him, according to their discretion." 17 Geo. 2. c. 5. l. 1. 34 Geo. 3. c. 46. l. 1.

The Turnkey.

44.—It is ordered, that such turnkey, or deputy, so shall be approved by the Justices in Sessions, be allowed the sum of twenty pounds a year; and that he be reimbursed by the governor, at his own expense, or be paid by the governor, out of his salary, the sum of twenty pounds, in lieu of such remuneration. 34 Geo. 3. c. 46. l. 2.

45.—That any turnkey or deputy convicted of drunkenness, shall forfeit all arrears of salary, and be immediately dismissed.

47.—That any turnkey or deputy, who shall be guilty of cursing or swearing, be punished against, before a Justice, upon the complaint of the governor, which he is hereby ordered to make, according to law.

48.—That a serjeant, or some other person not being a prisoner, to be appointed with the approbation of the visiting Justices, and paid by the governor out of his own salary, shall, in the forenoon of every day, go into the town of Southwell, and provide for the prisoners from such places or persons as the visiting Justices shall appoint, any articles that the prisoners are not prohibited from purchasing, by these Rules and Regulations; but that the same be not delivered, except in the presence of the governor or the turnkey.

49.—That any prisoner may, with the consent of the visiting Justices, be employed by the governor as an assistant in keeping the prison, or in witnessing the gaolers, provided such employment be not within the walls of the House of Corrections; and that such prisoner be locked up in his day-room and in his cell at the same hour as the other prisoners; and further, that he be paid by the governor such compensation in money as the visiting Justices shall determine; and the money so paid, and that the labour so performed, be regularly entered in the work-book, and accounted according to the directions of such prisoner's commitment. 19 Geo. 3. c. 74. l. 39.

The Chaplain.

50.—It is resolved, that the Justices, at their General Quarter Sessions, do appoint a Minister of the Church of England, residing near the House of Correction, as a chaplain, to perform divine service there; and allow him, as a salary for his trouble, twenty pounds a year. 22 Geo. 3. c. 64. l. 12.

51.—It is ordered, that the chaplain shall read prayers according to the use and order of the Church of England; and preach a sermon in the chapel on every Sunday, Christmas-day, and Good Friday, at such regulated hours, during the day-light, as the visiting Justices shall appoint, not taking into consideration the other ecclesiastical duties of the clergyman exercising this office.

52.—That the chaplain shall enter in the chapel book the days and hours of his attendance, and such observations as may occur to him in the general execution of his duty.

53.—That the chaplain, in case of sickness, or absence on any publick emergency, shall appoint a deputy, whose name, residence, and days of attendance, shall be entered in the chapel-book; but that no such deputy be admitted without the approbation of two Justices, signified in writing.

54.—That the chaplain shall visit every prisoner who may desire his spiritual advice and assistance, and every other prisoner to whom he may feel disposed to impart humane administration or religious instruction. That he shall attend the sick, and administer the Sacrament at such times and to such prisoners, as he shall think proper; and shall, according to his discretion, distribute among the prisoners any of the books or tracts provided for their edification. 19 Geo. 3. c. 74. l. 42.

55.—That the chaplain be the only clergyman, of the Established Church, permitted officially to visit any prisoner; less that any prisoner who differs from the doctrine of the Established Church, may be attended by a minister of the same persuasion, provided such dissenting minister shall signify his name and residence to the chaplain, who is hereby directed to cover the same in the chapel-book; and that such dissenting minister shall not attend any other prisoners.

The Surgeon.

56.—It is ordered, that a person, being a surgeon, apothecary, and man-midwife, be appointed to attend the prisoners, and to provide all necessary medicines, for which he shall from time to time make a bill; he shall visit, once in every day, each of the patients under his care, and on the sick list, and shall, whenever he attends, enter in the surgeon's journal, the day of each visit, the name of every prisoner under his care, the disease, the day when placed on the sick list, and when discharged; all which entries shall be considered as necessary vouchers in the examination of his accounts. He shall enquire into the state of every sick person's body and mind; and when he shall have reason to believe that either the one or the other is injuriously affected by the discipline or diet of the prison, he shall inform the governor thereof, who shall suspend the discipline or vary the diet of such prisoners, as is directed by the surgeon. He shall, on every visit, enter in his journal such observations and directions as the circumstances of each case may require, and specify what additional bedding, clothing, food or liquor, he may deem necessary for re-establishing and continuing the health, when restored, of every person committed to his care; and his directions, so entered, shall be a full justification to the governor or keeper for such allowances, until one of the visiting justices shall enquire into the case, and deliver written orders accordingly.

57.—That the surgeon shall execute the duties of his office in person, and shall attend, without delay, on notice from the governor, of any sickness, or of any new commitments, that may require the examination of a prisoner before he is passed into the wards of the prison.

58.—That the surgeon shall, if prevented by absence, sickness, or unavoidable professional engagements, from executing the duties here assigned, procure a sufficient surgeon as a deputy, to be approved by the visiting justices in writing, or give immediate notice to the governor in writing, stating the reasons of his non-attendance, and the period during which it is likely to continue, in order that the visiting justices may provide a competent substitute to act for so long a term as the surgeon shall continue incapable of performing the duties herein required.

The Officers.

59.—It is ordered, that the governor and the several officers of the prison do exercise the powers intrusted to them with justice and humanity, but with firmness and authority; and that they shall exemplify in their own deportment that cleanliness, temperance, decency, and orderly behaviour, which they are commanded to enforce among all descriptions of prisoners: they shall on no account hold unnecessary discourse with any prisoner, but shall confine themselves to giving their instructions and directions, and to relieving the real wants of the prisoners, with as little conversation as possible.

60.—That all commands issued by the governor, or conveyed by the several officers, be delivered without arrogance or insult, and carried into execution without opposition or perversity.

61.—That the governor, the officers, and such of the governor's family and servants as can be spared from their necessary employments, shall, if not disabled by illness, attend chapel during the celebration of Divine Service.

62.—"That the governor, or such other persons, if any, as shall be employed by the justices to assist the governor, shall be very watchful and attentive in seeing that the prisoners be constantly employed during the hours of work." 22 Geo. 3. c. 54. Schedule to the Act. Rule 5.

63.—That no money, or perquisite whatsoever, be taken by any officer or servant, for the admission of any person to see the prison or any prisoners therein.

64.—That neither the governor, nor any other officer or assistant employed within the prison, shall accept any fee or gratuity for granting any prohibited indulgence to any prisoner, or for conniving at the evasion or transgression of any of these Rules and Regulations, by any person who is bound to obey them.

65.—That the governor or his officers be authorized to examine all letters, packets, or parcels, received into or sent out of the prison, and to search, whenever it may be deemed advisable, without wilful molestation, all persons visiting any prisoners; or to deny them admittance in case they refuse to undergo such search.

66.—That a female be provided by the governor, to search and examine, when required, all female persons, whether visitors or prisoners; and that no male be, on any account, allowed to perform this duty.

The Discipline of the Prisoners.

67.—It is ordered. That the protection of the justices be not extended to any prisoners, except those who deserve this favour by their cleanliness, industry, decency, and obedience; and that idle, disobedient, and refractory conduct, be opposed by adequate punishment, until reformed.

68.—That every prisoner shall, on his first commitment, be separately lodged in the reception-ward until he has been examined with regard to his cleanliness and health. If, on examination,

examination, he appear clean and healthy, he shall be conveyed to the ward to which he belongs; if he be reported foul, shaving, washing, bathing, baking, and the ordinary methods practised on such occasions, shall be adapted; and if he be afflicted with any contagious disease, he shall be prevented from associating with any of the prisoners; and the directions prescribed by the Surgeon, shall be implicitly obeyed. 19 Geo. 3. c. 74. § 37.

69.—That no prisoner, after his admission, be permitted to retain in his possession any tools or dangerous implements; and that all such as are so found, be taken away and delivered to the Governor, to be preserved for the use of the prisoners, and returned to him at his discharge.

70.—That no prisoner shall exact from any other prisoner any fine or gratuity, under the name of garnish, or other customary plea.

71.—That prisoners of every denomination do at all times pay a decent regard to the chaplain; that they regularly attend the celebration of Divine Service, and behave, during their continuance at chapel, with reverence and devotion.

72.—That every person committed to the House of Correction be furnished with one loaf of good wheaten bread, one day old, weighing one pound, and such additional weight as may arise from the prison affine, to be set from time to time by the visiting Justices or the Governor, together with one penny in money, to be expended in any article not prohibited by these Rules; and that the same be delivered daily to every prisoner committed to the House of Correction, at the hour of eight in the forenoon. 22 Geo. 3. c. 64. Schedule to the Act. Rule 4.

73.—That the several prisoners committed to the House of Correction be divided into the following classes:

MALES.	FEMALES.
<i>Felons for trial.</i>	Felons.
<i>Petty offenders, for trial.</i>	Petty offenders.
<i>Felons, convicted.</i>	22 Geo. 3. c. 64. § 1. 24 Geo. 3. c. 55. § 1.
<i>Petty offenders, convicted.</i>	

74.—That all prisoners convicted of vagrancy, and committed for a term not exceeding seven days, shall be detained in one of the reception-cells, or in any of the lodging-cells appropriated to such petty offenders as are sentenced to hard labour, regard being had to sex; and that the customary bedding be withheld, but that loose straw be allowed them.

75.—That the prisoners shall be invariably classed and distributed according to these Rules and Regulations, unless the crowded state of any ward shall render it impossible to comply; and that in such case the supernumerary prisoners may be placed in the unoccupied apartments of any other wards, regard being had to the nature of their respective commitments.

76.—That all prisoners shall, at the first bell-ringing in the morning, rise and make their beds; and shall, at the second bell-ringing, be prepared to wash themselves, and to commence their several employments, or shall be respectively confined in their lodging-cells during the remainder of the day.

77.—That all prisoners be locked up in their day-rooms at seven o'clock in the afternoon in summer, and at six-*fort* in winter; and in their cells, throughout the year, at eight o'clock; at which hour they shall extinguish their lights. 15 Geo. 3. c. 74. § 40.

78.—That every prisoner shall wash his hands and face, and comb his hair, every day before the hour at which the bread is distributed, and appear in clean linen upon a Sunday; that he shall permit his hair to be cut, and shall wash his feet when required so to do by the Governor; and shall bathe as often as directed by the Surgeon; and that every male prisoner be shaved on Saturday afternoon. 14 Geo. 3. c. 59. § 1.

79.—That every prisoner, on his admission into any of the wards, shall receive a piece of soap, weighing one ounce; and a further allowance of soap, weighing one ounce and a half on the afternoon of every Saturday.

80.—That the several persons committed to the House of Correction, to be held to hard labour, shall, if possible, be employed, unless prevented by ill health, every day during their confinement, except Sundays, Christmas-day, and Good Friday, for so many hours as the day-light in the different seasons of the year will admit, not exceeding twelve hours, being allowed thereon, so rest half an hour at breakfast, and an hour at dinner; the intervals to be noticed by the ringing of a bell. 22 Geo. 3. c. 64. Schedule to the Act. Rule 1.

81.—"That all such persons as shall be prisoners in the House of Correction, and maintained at the expense of the County, be employed in some work which is not *prose*, although such prisoner may not by the warrant of his commitment be held to hard labour." 22 Geo. 3. c. 64. § 7.

82.—That

* The few Rules in this Collection printed in italics, do not apply to prisoners committed to be held to hard labour.

82.—That every prisoner employed shall diligently and carefully perform the task or work which is required to be done by such prisoner, to the best of his power or ability, without wilfully wasting, spoiling, or damaging, any part of the goods committed to his care. 22 Geo. 3. c. 64. Schedule to the Act. Rule 5.

83.—That the prisoners shall, during the hours of labour and of rest, as far as the nature of their several employments and the construction of the prison will admit, be kept separate and apart from each other. 19 Geo. 3. c. 74. l. 33.

84.—That the nett profits arising from the task-work of each prisoner shall, according to the class unto which he belongs, be divided and distributed in the following shares. When prisoners are committed to be held to hard labour,

The County's share shall be one-half;

The governor's share, one-fourth; and

The prisoner's share, one-fourth.

When prisoners are not committed to be held to hard labour,

The County's share shall be one-fourth;

The governor's share, one-fourth; and

The prisoner's share, one-half.

22 Geo. 3. c. 64. l. 7.

85.—That every prisoner who conforms to these Rules, and executes more than his daily task, shall be entitled to the whole amount of the profits arising from such additional labour, and that the same be denominated the Prisoner's Extra Share.

86.—That every prisoner committed to be held to hard labour and employed, shall, if he behaves orderly, and executes his task, receive daily from the County, as an encouragement to diligence, and for extra maintenance, the sum of one penny, besides the established allowance before mentioned; and further, that every such prisoner shall, for every dispensance arising from the nett profits of his task-work, be entitled to an additional sum of one penny, to be computed upon the amount of his daily task, and paid to him in the afternoon of every Saturday, as extra-maintenance money, to be expended in any articles not prohibited by these Regulations.

87.—That every prisoner who is not committed to be held to hard labour, and employed, shall, if he behaves orderly, and executes his task, receive daily from the County, as an encouragement to diligence, and for extra maintenance, the sum of one halfpenny, besides the established allowance before mentioned; and further, that every such prisoner shall, out of every dispensance arising from the nett profits of his task-work, be entitled to an additional sum of one halfpenny, to be computed upon the amount of his daily task, and paid to him in the afternoon of every Saturday, as extra maintenance money.

88.—That no prisoner be entitled to demand or claim any portion of his earnings during his confinement, but that the share and extra-share of every prisoner shall be relieved for his use, and placed to his account by the governor, and paid to him at the time of his discharge, and not before, unless otherwise directed by one of the visiting Justices.

89.—That no person, being employed and sentenced to hard labour, or relieved with any extra-maintenance money allowed by the County, shall retain, or have in his possession during the term of his confinement, any money, unless it shall have been delivered to him by the governor, with the consent of a visiting Justice: neither shall any such prisoner obtain or purchase any victuals, except such as he may be authorized by a visiting Justice to receive from his friends, or such as he may possess with the several sums allowed him by the county, or occasionally advanced to him as above-mentioned, in consideration of his diligence and merit.

90.—That every prisoner, not sentenced to hard labour, and not relieved with any extra-maintenance money allowed by the County, be permitted to retain the possession of his money, and to expend it, without restraint, in purchasing any articles of diet or clothing, consistent with these Rules and Regulations, or to receive any such necessaries from his friends, without penalty or gratuity as any person.

91.—That if any prisoner shall refuse to obey the orders of the governor or other officers, or the rules established for the government of the prison; or shall be guilty of cursing or swearing, or of any indecent behaviour or expedition, or of any assault, quarrel, or abusive words, to or with any person; or shall game with or defraud his fellow-prisoner; or shall loiter in the court during the hours of labour, or shall make any noise by loud singing, calling out or otherwise, or shall endeavour by conversation, or by any other means, to hold intercourse with the prisoners of a different ward; or shall pass the fences allotted to his class, or attempt to make any signals or codes, so as to surfeit the attention of those without the walls; or shall deface, secrete or destroy, the printed copies of these rules belonging to each ward, or the statement containing the alias of the prison and the prices of the several articles of provision delivered within the prison; or shall intentionally disgrace the walls, or any part of the prison, by writing thereupon or otherwise; or shall damage or spoil the beds, bedding, clothing or utensils, or any other articles provided at the county expense for the use

use of the prison; every prisoner so offending shall be deemed and declared to be guilty of an offence against these rules and regulations, and shall accordingly suffer such punishment as the visiting Justices or the governor see by these rules empowered to inflict. 22 Geo. 3. c. 1. § 64. Schedule to the Act. Rule 5.

92.—That any prisoner who commits, during the term of his confinement, any crime declared to be felony by the laws of this realm, or who effects his escape, or attempts to escape, or contrives with any person so to do, or attempts or keeps in his possession, or intrusts or causes to be conveyed into the prison, any arms, tools or instruments of offence, proper to facilitate an escape, either by himself, or any other person, though no such escape was committed, shall be adjudged guilty of an offence against these rules and regulations, and shall be punished accordingly; and further, shall forfeit the whole amount of the money arising from the sale of his labour, from the commencement of his imprisonment, and reserved for his use in the hands of the governor; but that no other offence, committed by any other prisoner, during the term of his confinement, shall be deemed of such enormity as to incur the forfeiture of any money arising from his earnings, after the same has been entered and allowed by the governor in the work-book.

93.—That one prisoner in every division of the prison, to be selected and appointed by the governor, shall be designated the ward-man; and that the prisoner who has been last committed, if he has been for the term of three days confined, shall, unless it be otherwise directed or permitted by the governor, on the Saturday next after his admission, undertake this office, and perform the duties attached to it; and shall, from the day of his commitment until the day on which he becomes such ward-man, until the ward-man of the division, then appointed to this function, so that he may become fully acquainted with the service to be imposed upon him by these rules and regulations.

94.—That the ward-man of each division shall cook the victuals of the prisoners belonging to his division, and clean and replace in the cupboards, the utensils employed or used at their several meals.

95.—That if any prisoner be sick, he shall be visited by the surgeon, and furnished with such food and liquor as he shall direct. 25 Geo. 3. c. 64. Schedule to the Act. Rule 4.

96.—That every prisoner, labouring under any infectious or pestilential disease, or otherwise dangerously indisposed, be removed to the hospital of the ward, or to the lodge, as the surgeon shall direct; and that his friends be informed, if possible, of his situation, and permitted to see him, on due application to the governor, without applying to any Justice of the Peace: and that in case any prisoner shall die, his friends be made acquainted with the event.

97.—That every prisoner, when the term of his confinement is expired, be discharged immediately after the county allowance has been delivered; but that no prisoner shall be dismissed at the end of his term, unless at his own request, if he shall then labour under any acute or dangerous disorder. 19 Geo. 3. c. 74. § 37.

The Discipline of Female Prisoners.

98.—It is ordered, that the female prisoners shall, in every respect, be governed by the same rules, regulations, and bye-laws, as the male prisoners, regard being had to their sex.

99.—That the business of washing for the county, or the prisoners, shall be performed by such females as the governor shall select out of those who are sentenced to be held to hard labour; and if no such females can be found, capable of such employment, then by any other female prisoner whom the governor may appoint.

The Police.

100.—That a box be fixed in the lodge, to receive the charitable donations of those who may be desirous of contributing towards the encouragement of penitence, industry, and orderly prisoners; and that all money contained therein, and all other donations in money or books, received by the governor or his officers, for the prisoners, be distributed among those who are meritorious, in such manner as shall be determined by the visiting Justices.

101.—That the hours of rising and retreat, of recreation and return to labour, shall be signified by the ringing of a bell. 22 G. 3. Schedule to the Act. Rule 3.

102.—That the first bell be rung at six o'clock in the morning, between Lady-day and Michaelmas day, new style; and during the remaining part of the year at ten o'clock; and that ten minutes after the first bell, the second bell shall be rung, immediately after which the governor or his officers shall open the doors of the lodging-cells, and conduct the prisoners to their day-rooms.

103.—That the day-rooms and the work-rooms be furnished with proper seats, and that every lodging-cell be provided with an iron bedstead, a mattress filled with straw or hair, two coarse sheets, a coverlet, and two or more blankets. 19 Geo. 3. c. 74. § 40.

104.—That

104.—That coarſe apparel be ſupplied, at the County expenſe, to every priſoner whole clothing it may be found neceſſary, on account of ſick, wounds, or other caſe, to change or deſtroy, in caſe ſuch priſoner be not poſſeſſed of other decent clothing, or capable of procuring it by his earnings or otherwiſe. 31 Gen. 3. c. 45. l. 13.

105.—That convenient places be made where the priſoners may waſh themſelves; that a clean towel be delivered to each ward on every Saturday, that clean ſhirts be allowed once in every month, or oftener if neceſſary; and that the expenſe of waſhing ſuch ſhirts and ſhirts as well as the priſoners' linen, be defrayed by the County; that the ſtraw in the ſtat-cruiſes be changed as frequently as the ſurgeon or the governor may think neceſſary, and that ſoaps, ſalts, brushes, beſoms, ſaws, ſcops and waſhing bowls, be provided for the uſe of the priſoners, at the County expenſe, ſo that every part of the priſon may be kept perfectly clean and wholeſome. 14 Gen. 3. c. 59. l. 1. 24 Gen. 3. c. 55. l. 1.

106.—That ſtraw, weights and meaſures, duly ſtamped, be provided and preſented in exact order, for the uſe of the priſoners of every claſs, whenever they may apply for the privilege of uſing them.

107.—That every morning, before break-day, the fires ſhall be lighted, the priſoners' paſs entered; the day-rooms, work-rooms, paſſages and cells ſwept, and the dirt and aſhes, and all filth and rubbiſh, collected in the yard or in any part of the ward, removed to the place made for containing the ſame: that the paſſages and apartments on the ground floor be waſhed once a week, or oftener if neceſſary; and the paſſages and lodging-cells on the chamber floor, whenever the governor ſhall direct; that the door of all the lodging-cells, and, when the weather permits, the window casements and ſhutters of all the paſſages and lodging-cells be opened; and that the ſeveral duties and aſſs mentioned in this rule be performed in each diſtrict, by the perſon appointed ward-man of the ſame. 14 Gen. 3. c. 59. l. 1.

108.—That a full ſupply of water be every day pumped for the uſe of the priſon, by any two priſoners conſidered of ſturdy, or by any other perſons that are ſentenced to hard labour, whom the governor may ſelect.

109.—That the walls of the wards and cells be white-waſhed, by ſuch priſoner as the governor may appoint, once in every year, if neceſſary; and that every cell which has been occupied by any priſoner afflicted with any peſtilent or infectious diſeaſe, ſhall, on his removal, be immediately cleaned, ſanitized, or white-waſhed. 14 Gen. 3. c. 59. l. 1.

110.—That the windows be cleaned on the firſt Saturday in every month, or oftener if neceſſary; and that all windows broken in the ſeveral wards by the priſoners be repaired weekly, and the expenſe of ſo doing diſcharged in equal proportions by the ſeveral priſoners occupying ſuch ward, unleſs information be given by one of them to the governor, of the perſon by whom any ſuch window was broken, in which caſe the perſon by whom the ſame was broken ſhall alone become liable to ſuſtain the expenſe; and if the governor ſhall, for the ſpace of ſeven days, neglect to enforce this order, the viſiting Juſtices are hereby empowered to order all ſuch windows to be immediately repaired, and charged to the account of the governor, or a deduction to be made from his ſhare of the priſoner's earnings.

111.—That all the land belonging to the County, within as well as without the walls of the Houſe of Correction, be preſerved in a ſtate of the moſt poſſible neatneſs; that no ſhrub of a greater height than five feet be permitted to grow within the ground enſeſed by the boundary walls; that no ſtakes or poles of a greater diameter than one inch be uſed for the ſupporting of any vegetables; and that no uſes be on any account made or ſuſtained againſt any of the walls.

112.—That one, or at moſt two watch-dogs may be kept by the governor, but that no other dangerous animals of any deſcription be permitted within the walls of the priſon.

113.—That no perſon except a Juſtice of the Peace for the County, and the officers of the priſon, ſhall have acceſs to any priſoner who is ſentenced to be held to hard labour for any time more than three months, without an order in writing from the commanding Juſtice, or from a viſiting Juſtice, if the priſoner be confined under an order made at the Alſons or Sessions; but that viſitants may be admitted to ſee any priſoner who is not ſo committed, on producing a ſpecial written order from any Juſtice of the Peace for the County; provided, however, that nothing here in contained ſhall be conſtrued ſo as to prevent any perſon, duly authorized, from examining any legal proceſſes, or from procuring any affidavit or declaration from any priſoner.

114.—That no perſon be ſuffered to viſit any priſoner before the bread has been delivered in the morning, nor after the day-rooms have been locked in the evening; that the number of viſitants admitted to any priſoner in one day, ſhall not exceed three; that their continuance be limited to half an hour; that no two ſuch viſitants be allowed, without the conſent of the governor or his ſurveyor, to enter the priſon at the ſame time; and that no ſuch viſitants, nor any other perſons, except the Juſtices of the Peace for the County, and thoſe by whom they are accompanied, or the officers of the priſon, be permitted to go within any of the wards without a written authority from a Juſtice of the Peace acting for the County.

115.—That no viſitant ſhall be allowed ſeeds to any priſoner upon a Sunday, except between the hours of half paſt twelve and half paſt one in the afternoon; and that no ſtranger,

unless accompanied by a Justice of the Peace for the County, be on any account permitted to see the prison upon the Lord's Day.

116.—That these Rules, Regulations and Orders, be printed for the use of the Justices of the Peace for the County, and of all other Justices of the Peace empowered to commit any prisoner to the House of Correction; and that they be published and sold, for the information of all others whom they may concern.

117.—That these Rules, Regulations and Orders, be read in chapel, immediately after Divine Service, on the Sunday next following each of the General Quarter Sessions; that a copy of them be delivered, at the commencement of every year, to the keeper prisoner of each ward, to be carefully preserved by him, for the inspection of every prisoner who may desire or demand it; and that such Rules be principally relate to the prisoners be printed in plain legible characters, and fixed up in some conspicuous part of every day-room. 22 Geo. 3. c. 6. l. 4.

NOTTINGHAMSHIRE HOUSE OF CORRECTION.

A TABLE, shewing the Manner of fixing the Price and the Allowance of the Prisoner's Loaf allowed by the County.

Retail Price of Flour per Stone at the Time of Auction.		Add Five-pence per Stone, being the Baker's Profit.		Price of the Prisoner's Loaf.	Weight of the Prisoner's Loaf.		
s.	d.	s.	d.	s.	d.	oz.	lb.
2.	4.	2.	9.	0.	2½.	1.	5.
2.	5.	2.	10.	0.	2½.	1.	4.
2.	6.	2.	11.	0.	2½.	1.	3.
2.	7.	2.	0.	0.	2½.	1.	3.
2.	8.	2.	1.	0.	2½.	1.	2.
2.	9.	2.	2.	0.	2½.	1.	2.
2.	10.	2.	3.	0.	3.	1.	5.
2.	11.	2.	4.	0.	3.	1.	4.
3.	0.	3.	5.	0.	3.	1.	4.
3.	1.	3.	6.	0.	3.	1.	3.
3.	2.	3.	7.	0.	3.	1.	3.
3.	3.	3.	8.	0.	3.	1.	2.
3.	4.	3.	9.	0.	3.	1.	2.
3.	5.	3.	10.	0.	3.	1.	2.
3.	6.	3.	11.	0.	3½.	1.	4.
3.	7.	4.	0.	0.	3½.	1.	4.
3.	8.	4.	1.	0.	3½.	1.	3.
3.	9.	4.	2.	0.	3½.	1.	3.
3.	10.	4.	3.	0.	3½.	1.	3.
3.	11.	4.	4.	0.	3½.	1.	2.

BY establishing an allowance upon the computation above specified, we secure a very considerable advantage to the prisoner, without imposing any expense upon the County. For, as farthings are not currently circulated in this part of the country, no alteration was made by the baker, in the price of the prison bread, until the variation amounted to a halfpenny on each loaf; to which required an alteration of seven-pence halfpenny a stone in the price of flour, as a stone of flour will produce fifteen and a half loaves, weighing eighteen ounces each. This weight exceeds the county allowance by two ounces, but since it is impossible to deliver the loaves exactly according to the stipulated allowance, it was found advisable to prevent any loaf from weighing less than a pound. The average weight of bread annually gained by the prisoners in consequence of this regulation, amounts to nearly fourscore hundred pounds, if we estimate the number of those confined, from the calendar for the last nine months: all which bread was formerly an additional profit to the baker.

The above Table may be continued, at pleasure, by the common rule of proportion; for as the price of one stone of flour, with the addition of the baker's profit, is to 27s. 6ss. being the quantity of bread produced from a stone of flour, so will the price of the prison loaf be to the weight of it. For example:

As 27. 4d. + 5d. = 27s. 9d. : 27s. 6ss. : 2½d. : 2½. 5ss.

J. T. B.

NOTTINGHAMSHIRE HOUSE OF CORRECTION.

A TABLE, containing the Prices of the several ARTICLES delivered or sold to the PRISONERS.—Ordered to be hung up in each of the Day-rooms, by Rule 55.

	Date.	Price.	Date.	Price.	Date.	Price.	Date.	Price.	Date.	Price.
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
BEEF, per pound										
BACON, per pound										
CHEESE, per pound										
CANDLES, per pound										
COALS, per hundred weight										
FLOUR, per stone										
KIDS, each										
MILK, per pint										
MUTTON, per pound										
OATMEAL, per pound										
POTATOES, per peck										
RICE, per pound										
SALT, per pound										
SUGAR, per pound										
SHEEP'S PLUCKS, each										
SHEEP'S HEADS, each										
TEA, per ounce										
TREACLE, per pound										
<hr/>										
	Date.	Weight.	Date.	Weight.	Date.	Weight.	Date.	Weight.	Date.	Weight.
		lb. or sh.		lb. or sh.		lb. or sh.		lb. or sh.		lb. or sh.
The Officer of the Prison Lock.										

It is directed by the visiting Justices, that all persons who may hereinafter be brought before them, shall be supplied to any length by any person filling or delivering any article delivered in quality or quantity, will apply to the undersigned the Rules, the number, or the number, provided for the use of any person who may demand them, and will give immediate information where to one of the visiting Justices or to the governor, should there, upon application, require to be a full pound of completion.

A CALENDAR of the Prisoners confined in the House of Correction, at Southwell, in and for the County of Nottingham, on this Day of
 With a Statement, shewing the Manner in which the said Prisoners have been respectively employed, during the preceding Week, the Net Profits arising from their Labour; the Expense of Maintenance, &c. referred to in Rule 35;
 And, with an Account of the Net Profits arising from the Labour of the several Prisoners in Custody from the 24th Day of June to the 24th Day of June

No.	PRISONERS NAMES.	Age.	OFFENCES.	When Committed, or When he is Trial.	Period of Trial, Sentence, or Continuance.	EMPLOYMENTS.	Amount of Earnings.	No. of Days employed.	Amount of Daily Toll.	Amount of Weekly Toll.	County's Share.	Governor's Share.	PRISONERS.						REMARKS.				
													Rate.	Extra Share.	Total of Share.	One Pound of Bread and One Penny per Day.	Maintenance Money.	Earnings exceed Maintenance.		Maintenance exceeds Earnings.			
1	*T. Q.	39	Stealing two Hay Forks	October 5, 1869	Two Years	Framework-knitting	£ 1 1	5	1 2	5 10	5 6	5 4	5 4	5 4	5 4	5 4	5 4	5 4	5 4	5 4	5 4	5 4	Orderly and Industrious.
2	*T. C.	51	Stealing two Hay Forks	October 5	Two Years	Framework-knitting	9	6	1 2	7 6	5 6	5 2	5 2	5 2	5 2	5 2	5 2	5 2	5 2	5 2	5 2	5 2	Orderly and Industrious.
3	*S. T.	35	Stealing Linen Cloth	October 7	One Year	Washing and Sewing	5	6	4	6	1	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
4	*S. D.	16	Burglary	March 18, 1868	Death—Reprieved—4 Years	Sewing Hats	5	5	6	5 6	1 5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
5	*W. N.	12	Grand Larceny	April 18	Six Months	Butting Cotton	5	5	4	5 4	1 5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
6	*G. X.	54	Stealing a Grey Mare	March 18	Death—Reprieved—4 Years	Picking Cotton	1 11	5	5	4	1 10	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
7	*T. S.	35	Assaulting from his Master's Service	July 25	One Month	Picking Cotton	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
8	*E. N.	31	Neglecting to maintain his Family	July 16	One Month	Framework-knitting	5 10	6	1 2	7	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
9	*K. Q.	35	Idle and disorderly	July 25	One Month	Washing Yarn	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
10	*J. R.	65	Grand Larceny	April 18	Two Years	Shoemaking	10 5	5	6	5 6	5 6	5 4	5 4	5 4	5 4	5 4	5 4	5 4	5 4	5 4	5 4	5 4	Orderly and Industrious.
11	*W. P.	25	Stealing Sheep	March 18	Death—Reprieved—4 Years	Picking Cotton	1	6	3	8	4	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
12	*T. N.	23	Stealing a Dead Beard	July 11	Three Calendar Months	Framework-knitting	11 25	6	1 2	7	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
13	*T. O.	30	Stealing old Ropes	April 18	Six Calendar Months	Butting Cotton	1 8	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
14	*G. B.	41	Stealing old Ropes	April 18	Six Calendar Months	Picking Cotton	1 8	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
15	*E. C.	43	Assault	July 11	One Calendar Month	Picking Cotton	1 3	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
16	*M. N.	37	Rogue and Vagabond	July 15	Three Calendar Months, and then sent to Sea.	Picking Cotton	1 3	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
17	*S. T.	74	Stealing two Hay Forks	October 5, 1869	Two Years	Unemployed																	Orderly and Industrious.
18	*S. L.	37	Stealing Linen Cloth	[Borough of Newark] Mich. Session.	For Trial	Splicing	1 4	4	3	1	3	8	6	4	10	2 4	2	2	2	2	2	2	Infant and bad Type.
19	*T. B.	24	Non-performance of an Order of Bailardy	January 11, 1868	Until he performs the Order	Butting Cotton	2 6	25	4	1 2	31	25	7	1 4	1 11	3	15	1 11	1 11	1 11	1 11	1 11	A disaffected Woman. Ord.
20	*W. D.	30	Non-performance of an Order of Bailardy	July 11	Until he performs the Order	Picking Cotton	2 8	5	4	1 8	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
21	*W. F.	33	Burglary	Nov. Mich. Session	For Appearance	Picking Cotton	2 8	5	4	1 8	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
22	*G. C.	30	Burglary	Nov. Mich. Session	For Appearance	Picking Cotton	2 8	5	4	1 8	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
23	*M. T.	20	Stealing a Hen Fowl	Nov. Mich. Session	For Appearance	Shoemaking	8	5	1 9	5 10	1 25	1 25	1 25	1 25	1 25	1 25	1 25	1 25	1 25	1 25	1 25	1 25	Orderly and Industrious.
24	*W. P.	38	Unlawfully receiving Stolen Goods	October 6, 1868	Two Years	Shoemaking	14 6	6	1 6	9	5	5	5	5	5	5	5	5	5	5	5	5	Orderly and Industrious.
25	*J. T.	27	Rogue and Vagabond	Nov. Mich. Session	For Trial	Unemployed																	Orderly and Industrious.
26	*R. B.	36	Stealing Two Silk Handkerchiefs	[Borough of Newark] Mich. Session	For Trial	Unemployed																	Rec. on the 24th Inst.
* Prisoners committed to be held in Hard Labour.							5 5 41	119	12 11	5 10 1	1 9 05	17 68	1 3 2	1 15 35	1 15 35	1 15 4	15 1	2 10 6	15 11				

STATEMENT OF THE ACCOUNTS FOR THE LAST WEEK.

The Net Profits arising from the Prisoners' Earnings during the last Week, are divided as follows:—	County's Share - - - - -	£ 1 5 6
	Governor's Share - - - - -	1 5 6
	Prisoners' Share - - - - -	1 5 3
	Prisoners' Rates Share - - - - -	1 5 3
	Total - - - - -	5 5 41
County Allowance, consisting of one Pound of Bread, and One Penny per Day for the last Week	- - - - -	15 4
Maintenance Money - - - - -	- - - - -	15 1
	Total - - - - -	310 5

The Net Profits arising during the last Week from the Labour of the Twenty-three Prisoners now employed, exceed the Total Amount of the Expense incurred by the Maintenance of all the Prisoners now in Custody, being

£ 24 11

STATEMENT OF THE ACCOUNTS FOR THE LAST YEAR.

Amount of the Net Profits arising from the Labour of the Prisoners, the Average Number employed being 135, for the Year ending on the 24th Day of June - - -	£ 182 3 6
Amount of County Allowance for the Maintenance of 20 Prisoners, being the Average Number in Custody during the Year ending on the 24th Day of June - - -	118 14
The Net Profits arising from the Labour of the Prisoners employed exceed the Total Amount of the Expense occasioned by the Maintenance of all the Prisoners who have been in Custody - - - - -	64 9

GENERAL OBSERVATIONS.

The Net Profits arising from the last Week of Prisoners committed to be held in hard Labour, are divided as follows:—

To the County, One Half; to the Governor One Fourth; and to the Prisoners, One Eighth.

The Net Profits arising from the last Week of Prisoners not committed to be held in hard Labour, are divided as follows:—

To the County, One Fourth; to the Governor, One Eighth; and to the Prisoners, One Half.

Every Prisoner employed is also entitled to an extra Allowance, consisting of the whole Profit gained by any Labour performed in addition to his or her Weekly Toll.

This System of Labour is conducted without borrowing any Money, either from the County, or any other Fund; and without any additional Expense for Tools, Machine, Superintendence, Coal, Candles, &c.

The Accounts, relating to the Labour of the Prisoners for the last Year, are given in a General Statement, and the Particulars are omitted, as from Attention and Improvements in the System, have been made, by the Rules, approved, and confirmed, at the last Middlesex Session.

By Order,

JAMES NICHOLSON, Governor.

S E C O N D R E P O R T
 FROM THE
 C O M M I T T E E
 ON THE LAWS RELATING TO
 P E N I T E N T I A R Y H O U S E S.

THE COMMITTEE appointed to consider of the Expediency of erecting a PENITENTIARY HOUSE, or PENITENTIARY HOUSES, under the Acts of the thirty-fourth and nineteenth of His present Majesty; and, in case the adoption of the measure now referred to their consideration should appear to them to be for the advantage of the Public, to report whether any additional legislative provisions will be wanted for that purpose; and, what number of persons such Penitentiary House or Penitentiary Houses should, in their judgment, be calculated to receive, together with any Observations, which they may deem material upon the subject of their Enquiry;—and who were instructed to enquire into the effects, which have been produced by the punishment of Transportation to New South Wales, and of Imprisonment on board the Hulks; and were empowered to report their Observations and Opinion thereupon from time to time to the House;—HAVE further considered the matters to them referred, and agreed upon the following REPORT:

YOUR COMMITTEE having received the following Letter from *Jeremy Bentham*, Esquire, since their former Report was made to the House, have thought it their duty to submit the same to the consideration of the House; although the Observations therein contained have not made any difference in their opinion, upon the matters referred to them.

10 June 1811.

Queen's-square Place, Westminster,
6th May 1811.

[Corrected Copy received the 10th June 1811.]

SIR,

UNDERSTANDING at different times, from different Gentlemen, Members of the Committee, that in calling me before them, the object of the Committee has been—not merely to scrutinize into the Contract to which I am a party, but also, for the purpose of forming their judgment concerning the most eligible mode of disposing of such part of the Convict Population of the Country, as it may not be thought fit to confine in Hulks or employ in colonizing, to collect any such information as, in any shape, I might be found capable of affording—I take the liberty of submitting in this mode, to your consideration and that of the Committee, a few suggestions on the subject of the *Country Convicts*.

For such of the Convicts, whose conviction shall have taken place in London or Middlesex, with or without the addition of a few other Counties nearly contiguous to the Metropolis, such as those for instance which are comprized in the *three Circuit*, the provision made by the existing Contract may, it seems to be supposed, suffice.

On this supposition, what, in some mode or other of the Penitentiary plan, remains to be provided for, is—that as yet indefinite part of the Convict population, which may be expected to be furnished by the more or less distant Counties—say, for example, the five remaining *Circuits*.

For this large remnant of that population the question then is—What is the best mode?

To this question the answer presents three options—

1. *Panopticons* in the Metropolis, over and above the one supposed to be determined upon: viz. in number, one at least, and as many more, if any, as the number of convicts to be provided for shall be deemed to require.

2. *Panopticons*, upon an equal scale, and consequently in equal number, in the Country. These two plans belong alike to what, for distinction sake, I would beg leave to call the *open mode upon a large scale*.

3. *Penitentiary Houses*, in the *coldest* mode, one in and for each County; or, in such cases in which the convict population afforded by a single County would be manifestly too small, one in each aggregate of contiguous Counties, to be associated together for the purpose.

This last mode I would beg leave to distinguish by the appellation of the *close mode upon a small scale*.

As to the question between the *open mode upon a large scale*—viz. the *Panopticon* mode upon the *Panopticon* scale—and the *close mode upon a small scale*—my opinion has been already submitted, and not my opinion only, but the *considerations* or the ground on which it was formed.

Management, in every imaginable point, better; *expense* less:—in these few words all those considerations will be found comprized.

On the question between *Panopticons* all in the Metropolis, and *Panopticons* one in the Metropolis and others in the Country, (in each case in the *open mode upon the large scale*) neither are the points of distinction so manifest, nor the importance of them so great.

On the whole, however, the result of my enquiry is—that *Panopticons* all in the Metropolis present a decided title to preference.

What

What presents itself to me as the principal reason is—that the Metropolis affords beyond comparison *the best public*. Here whatsoever matter proper for consideration comes into existence, is, with the minimum of trouble, brought instantaneously to the ear, laid open even to the inspection of the eye, of the whole body of constituted authorities: of the Members of the Administration, of the immediately superintending judicial authority: of every Member of the Legislature.

Not that *objections* are altogether wanting: but neither from report nor from imagination, have I been able to collect any, the united force of which seems sufficient to constitute a preponderant one.

1. *Danger to the Metropolis, from forcible and general eruption, increased.*
2. *Inordinate accumulation of Convicts for whom provision may be to be made after discharge.*
3. *Remoteness of the Convicts from their respective desired abodes, at the time of their discharge.*
4. *Inordinate expense of conveying the Convicts from the place of conviction to the place of punishment.*
5. *Supposed unsuitableness of the fund, upon which, on this plan, the expense of maintenance, with or without the expense of conveyance, would be to be charged.*

These are all the *objections* which I have been able to discover: and to these I proceed to submit such answers as the nature of the case has suggested.

1. *Objection 1. Danger of general and forcible eruption.* Answer. In my own particular it will readily enough be conceived, considering the peculiar guards which the peculiarities of the *Pauperism* plan provides, this danger cannot appear very considerable in either case.

But, if it be considerable, the *Metropolis* is the spot in which it should naturally appear much *less* considerable than in any other place:—in any other town or towns at least, so which otherwise, this part of the Convict population would be to be confined.

Milbank and Tothill Fields being, by the supposition, the spot fixed upon already for *our* Panopticon, I see not what should hinder its being made to receive as many others as can be required.

Within a few hundred yards of *Tothill Fields* is constantly stationed a body of regular troops, to the amount of some *thousands*: the distance, so small, that, in case of commotion, communication might be made by *signals* of both sorts: signals not only to the ear, but even to the eye, if an apparatus to that effect were thought fit to be provided.

In *Tothill Fields*, at one end of *Reichers Row*, stands, and has stood for (I think it is) about eight or ten years, a *Military Infirmary*, in which is constantly stationed a military Guard, consisting, as I have just been informed on the spot, of nine soldiers. On one side, the Waste called *Tothill Fields* has for its boundary this *Reichers Row*, on the opposite side the parcel of ground already purchased for the *Pauperism* Penitentiary House. On no part of this ground is there any building but what may at present be actually seen from the Infirmary just mentioned, and by the Guard there stationed.

On a subject so plain I should never have thought of troubling the Committee with so many words, but for the recollection, that some 18 or 19 years ago, at the

the commencement of my negotiations, to an observation of mine pointing to the military force in the *Park* as an obvious source of security, the answer returned, by a Gentleman then in office, was an invariable negative. What the objections were, I enquired in vain: with the Gentleman himself they did not originate. Be they what they may, they would now be found, I should hope, no longer in existence. If the *Panopticon* contained within its Lodge an acting *Magistrate*, this Military Guard, being actually in his view, would, on any such occasion as that in question, be actually under his command. I mean by Common law, to which no order from any War Office, would, I presume, be opposed.

By the constant sight of a similar Guard, stationed, if thought necessary, close to the spot;—for example, three or four at the entrance into the *Panopticon* ground through the *walled avenue* that leads to the House,—two or three at each of the two elevated *Watch-towers*, which command, each of them, by night as well as by day, the inside as well as outside of two of the four surrounding walls,—by the constant sight of this *small guard*, coupled with the knowledge of the arrangements that might so easily be made for instantaneous communication with the *great body* stationed in the neighbouring Park, it would be extraordinary indeed, if in the imagination of the most refractory prisoner, all chance of success in any such attempt would not be rendered *hopeless*,—manifestly as well as constantly hopeless. Further observations on this head, may be seen in *Panopticon Pediculist*, Part II. § 15. pp. from 201 to 208.

Against every danger of this sort, such are the means of security afforded by the Metropolis in general, but in a more particular degree by the particular spot in question. In any of the provincial situations, what security comparable to this, could be afforded? and that too, as in this case, without any special allotment of military force for this particular purpose?

True it is, that spite of military guards, French and other *Prisoners of War* have, from time to time, and but too often, and in too great numbers, contrived to make their escape.

But, against the escape of Convict Prisoners, the *Panopticon* plan presents securities in abundance, few of which, if any, would (I believe) be found employed on any existing plan, in the case of foreign Prisoners.

1. *Uniform conspicuously distinctive.*

2. *Close dress*, in which the concealment of any weapon suited to the purpose of offence or defence, would be impracticable.

3. *Mark*, by which on the mere baring the habitually covered arm, (the other being habitually uncovered) the condition of the person in question—viz. the fact of his being a person belonging, in the character of a prisoner, to the prison in question—would, for weeks at least after escape, be manifested.

4. *Constant division* of the Prisoners into small, and those assorted, companies.

5. The Prisoners rendered distinguishable at a distance, each of them by a number, marked upon his *clothing* at the back and at the breast.

6. No *aisles* for the Prisoners into the enclosed area, but through a *passage* commanded by a *guard*; and so narrow, that no more than one can make his exit at a time, nor then but under a horizontal bar, so stationed, as, by obliging each person to *stop*, to render impossible any acquisition of *conjoint force* by *running*.

7. *Light* kept constantly thrown, by *night* as well as by *day*, not only upon every spot to which the Prisoners have access within the prison, but upon the whole surface of the four surrounding walls.

8. For

8. For the purpose of *inspection*, eyes in considerable numbers constantly availing themselves of that light: viz. some in the *centre* as well as other parts of the circularly polygonal building within the walls, others stationed in the commanding watch-towers above mentioned, on the outside of, and in part above, these walls.
9. On the top of the walls all round, a range of *spikes*, iron or wooden, of such *sightings*, that, in the attempt to set a ladder against them or throw a rope over them to get up by, they would give way and break, and in either case strike against a range of wires, by which a number of bells would be set a ringing.
10. A *communication-tube* from the *central lodge* to each of the exterior *guard houses*.
11. On the outside of each of the surrounding walls, a *ditch*, the water of which would, on any attempt to undermine the contiguous wall, *ascend* the miners, and, while it betrayed their operations, render an exit, if not absolutely impracticable, at least impracticable without such noise as would give abundant warning to the Guard-house.
12. To each such Guard-house, a dog or *dogs*, of the sort of those which in the night are set a *working* by any the least noise.

In the eyes of the Committee the enumeration of these several resources may be perhaps the more pardonable, if they should appear, any of them, capable of being applied with advantage to the giving additional security to those modes of confinement of which in the present state of things the inefficiency has so frequently been seen to betray itself.

To each of the Convicts as it might be thought fit to give employment to in the Panopticon *ground at large*, and thence *without* the limits of the enclosed area, true it is, that no more than a part of the above securities, nor that the most considerable part, would be found applicable.

But, considering, that the time of day-light would be the only time at which the demand or use for any such employment would present itself;—considering that in fact, on the many public works on which Convicts have now for so many years been employed, they have been employed in large numbers, and (as supposed) without any particular means of selection or anxiety on that head, and that too under flight guard, and yet, at those times at least, without any instances (I believe) of escape;—considering, that the passion by which a Prisoner is prompted to seek, by violent means and at the hazard of his life, a relief from duress, is not likely to be found in equal strength in the breast of every individual member, of a Society so numerous and so miscellaneous, the members of which may, with less danger of injustice than any where else, be rendered responsible for each other;—considering, that in the mode of treatment which is essential to a system of commercial operation conducted upon the plan in question, there is nothing that seems to present a probability of its being productive of any exertion more violent and desperate than in the case of a prison upon any of the ordinary plans:—all these things considered, the conclusion may (it is hoped) be—that in a case where by any failure of human prudence the party failing would, as in the present case, be in so many shapes and in so high a degree a failure, that human prudence, on which, in spite of all possible securities of every other kind, reliance must in every case be placed, is not, in the present case, to be considered as destitute of all claim, to that sort and degree of confidence, which is so unavoidably bestowed upon it in all other cases.

To make use of every one of these securities, at all events, and under all circumstances, without any exception in any case, is more than I see any necessity of pledging myself for: nor yet do they constitute a complete list of *all* the securities,

to which it might eventually happen to me to have recourse. Many of them will be attended with an expense which, if incurred without necessity, would be so much waste; but for which the *justification*, as well on the score of *necessity* as of *good economy*, will be the more complete, the larger the *scale* is on which the establishment is conducted.

The faculty by which these securities were devised, will not, I presume, be considered as putting an exclusion upon the kindred faculty, by which the decision on the question—how many and which of them to employ—will from time to time be to be pronounced.

I proceed with the objections.

II. Objection 2^d. *Inordinate accumulation of Convicts for whom provision may be to be made after discharge.*

Answer. Upon the Panopticon plan, there will be the *Subsidiary Establishment*, open to as many as may choose to take the benefit of it. Some will, some will not;—but whatever may be the proportion of the one number to the other, and whatever may be the sum of the two numbers, the exclusive choice of the Metropolis does not, to my apprehension, present itself in the shape of an inconvenience.

In the character of a reservoir for the influx in question, the option lies between the Metropolis and some Country-town:—some other Town within the Circuit of South Britain. The Metropolis will, it is true, already have to provide for the influx from its own Panopticon. But, taking into the account the magnitude of the influx in both cases, compare the magnitude of the mass of population into which the influx will have to discharge itself in this case—(say in round numbers a million) with the magnitude of the largest mass into which it can be let to discharge itself in the case of any other such Town—say 80,000:—by this comparison, all apprehension on this score will, it should seem, be dissipated.

III. Objection 3^d. *Remoteness of the convicts from their respective desired abodes, at the time of their discharge.*

Answer c. Merely for the purpose of facilitating, on the part of Prisoners after their discharge, the return to their places of *birth* or *subsequent settlement*, in the open mode on the large scale, it would hardly, I presume, be deemed worth while so much as to build one additional Panopticon as above, much less, as in the close mode upon the small scale, to establish, in each County or set of associated Counties, a Penitentiary House or improved Prison, on any other plan or plans. On this occasion, the object ultimately and intrinsically aimed at, would be, I suppose, not the *birth-place* of each person, nor yet his place of *last settlement* as such, but the place, wherever it were, of his *choice*. But, take either of those places of presumed preference, the stain upon his character considered, it might not less probably be the spot, that, of all others, he would be the most *averse*, than that which he would be most *anxious*, to fix upon for his residence.

2. The *Subsidiary Establishment*, which, under the Panopticon plan, the Governor would stand bound to provide for the purpose of making provision for all such as chose to accept of it, has for its basis the supposed *non-existence* of any such place of former abode, or the *unwillingness* to fix in it; and the least that this provision does is—to remove from the ground of *necessity* to that of mere *inducement*, the demand for means of conveyance to any other spot.

3. Whatsoever be, in preference to employment in the above mentioned Subsidiary Establishment, the object of each man's desire, that portion of the *earnings*, of his whole term, which by the contract is secured to him, must be small indeed, if it does not afford him ample means of gratifying such desire.

4. If

4. If after all, it were deemed necessary, that to each such discharged Convict means of conveyance to the place of his choice, whatever it be, should be afforded at the public charge, a mode beyond comparison less expensive, than providing, though it were no more than a single prison in this *late* view, would be the putting into his pocket a sum of money, under the *expulsion* of its being applied to this purpose. But, as the ascertaining, upon any satisfactory evidence, the spot *really* desired, would be plainly impossible, the spot *assumed* could be no other than the spot most distant from the Penitentiary House in question, for, as that *most distant* spot is the spot that would command *most* money, that would of course be the declared spot of each man's choice.

But even this *assumption*—meaning the annual sum of all these *assumptions*—would be a trifle, in comparison of the expense of an additional prison, to be built and kept up on purpose. As to conveyance, the means of locomotion derived by each man from the bounty of nature, would for this purpose be, I presume, regarded as sufficient: of the *assumption* in question, the expense would therefore be neither more nor less, than the supposed necessary expense of subsistence, during a journey begun, continued, and ended, in the *possible* mode.

IV. Objection 4th. *Immediate expense of conveying the Convicts from the place of confinement to the place of punishment.*

Answer. Supposing the convicts to be conveyed from the several *Assize* and *Quarter Session Towns* to the Metropolis, the expense (it must be acknowledged) could not but be greater, than it would be, upon the supposition of a plurality of Panopticons, of which, the number being determined by the largeness of the scale, the situations should be exclusively adapted to this one purpose: say one allotted to each of three points of the compass—East, North, and West. But—

1. Suppose, that in addition to the *see London* Panopticon, only two such *Country* receptacles were required,—place these two in any two of the three above-mentioned points of the compass, to the exclusion of the third,—in the East and North only—or in the East and West only—or in the West and North only,—it seems questionable whether any such saving as *supposed*—even to say the *smallest* amount—would really take place.

2. Even supposing each of those three points of the compass to have its Panopticon, and thence in respect of length of *journey* and magnitude of *travelling expense*, a corresponding saving produced, the advantage produced on this score would, on calculation, be found (I am inclined to think) *so small*, as to go but a very little way towards countervailing the disadvantage already indicated as having place, on the more important score, above-mentioned.

Being, as to a more or less considerable portion of it, unavoidable, we have *here* an expense which, as to so much cannot be *saved*. But that which may be done, and in point of justice (it should seem) ought to be done, is—to *equalize* it: to equalize it, I mean, in such sort that upon a County, the *Assize* or *Quarter Session Town* of which is more *distant* than that of another County from the place of permanent confinement, man for man, the burden of conveyance may not, on that account, be rendered, or left to be, the *heavier*, in its pressure on the first-mentioned County,—viz. in the proportion of the *distance*.

Now as to the *mode of equalization*. On the contract plan, whoever carries on the management of that Panopticon receptacle which is the common reservoir for the Convicts of all the several counties in question, in his contract it might be made a condition, that, for a sum certain, he should take upon him the conveyance of the Convicts from all the several *Assize Towns* and *Quarter Session Towns* in the district,—for which purpose, an average would of course be taken, viz. by taking the *sum* of the *distances*, and dividing it by the *number* of the *Towns*—charge of conveyance, *so much* per mile.

V. Objection

V. Objection 5th. *Supposed unsuitableness of the fund, upon which, on this plan, the expense of maintenance, with or without the expense of conveyance, would be to be charged.*

To this objection two answers present themselves :

I. That, for the expense in question, the fund in question is *not* an unsuitable one : but, on the contrary, a *more* suitable one, than the fund upon which it would, in the other case, be charged.

II. That supposing the rival fund a *more* suitable one, there would be no difficulty in transferring the expense to that rival fund.

I. First then, *the proposed fund is not an unsuitable one.*

1. The proposed is the common national fund. It is the *same* fund, on which the expense is charged, in the instance of all that portion of the convict population which is sent to *convicts*. It is the same fund, on which the expense is charged, in the instance of all that portion of the same population which is consigned to the *Halls*.

If, as yet, of that portion which has hitherto been consigned to prisons,—to improved or not improved prisons,—the expense has hitherto been charged on the *County*, that is on the contributors to the *Poor Rates*, the disposition thus made, had, I should suppose, for its *cause*,—not any such opinion, as that the *Poor Rates* constituted a fund *more* suitable than the National fund, but merely *this* circumstance, viz. that the *Poor Rates* of each County constituted the *only* fund, out of which it was possible to obtain money for defraying the expense of the sort of prison in question ;—viz. a prison situate within the County, and appropriated to the use of *that* County, to the exclusion of every other part of the Kingdom.

To save the trouble and responsibility of making provision, at the charge of the national fund, for an expenditure to a certain amount, a public man would hardly, I should suppose, be desirous of imposing upon this or that class of his fellow-subjects, such as the contributors to the *Poor Rates*, an expense for example of double that amount.

But my calculation as well as my expectations will have greatly indeed deceived me, should the difference in point of expense between *the plan made upon a large scale*, and *the plan made upon a small scale*, turn out to be as little as to the amount of two to one to the disadvantage of the *small scale*.

In the case of *Poor Houses*, in the tract entitled *Pauper Management improved*, &c. published in *Town's Annals of Agriculture*, in p. 43, may be seen a calculation, made by a professional and official hand, in which, under the head of *construction*, for a system of *Poor Houses* on that *small scale* which then was and actually is in practice in the *Suffolk Poor Houses*, the expense for all England being £10,275,250, money of that time, the expense of the Central Institution plan, on the scale of 200 inhabitants to a House, is fixed at no more than £2,357,000 ; considerably less than a fourth part ;—amount of saving, £7,918,250 ;—and upon the *Official Establishment*, an annually recurring expense the amount of the *annual* saving is therein fixed at £408,131. 5s. —^d multiplied by 20 (to bring it, like the other expense, to principal money) £8,162,625.—Number of persons maintained in each such supposed Pauperism Poor House, 2,000 ; being the exact number of the persons for whom, in the chamber of *philanthropy*, above eleven years ago, viz. on the 25th of March 1800, as stated in a former Letter of mine now lying before the Committee, I was ordered to prepare.

This is the case of *Poor Houses* ; and, both being on the *Pauperism* plan, so far as concerns the influence of magnitude of scale upon expense, no difference will be found between the case of *Poor Houses* and the case of *Prisons*.

II. But,

II. But, secondly, supposing the determination should be taken, to charge on the Poor-Rate-fund *this third* part of that *general* head of expense—the convict expense—of which the *two other* thirds are charged on the *national* fund,—on this supposition the *transference* might without difficulty be made. The average numbers of the Convicts, which, for a certain number of years back, the several Counties have respectively been in the habit of furnishing, being taken,—those numbers would serve for expressing the relative sums with which each such County might annually be charged, towards the expense of the common *Panopticon* or *Paupshouse*, the station of which is supposed to be in the *Metropolis*:—I mean the Panopticons serving in common for the maintenance of the aggregate body of the Convicts receivable from those several Counties.

But, any such number as 2,000 would it not (I hear it asked) be an *unwieldy* number?—too unwieldy for good management? Oh yes:—on every *ordinary* plan,—too unwieldy by a great deal. *Nine hundred* was the number of the *prisoners*, that on the original and supposed highly-finished Penitentiary plan, as per 19 G. 3. c. 74. were to have been confined in the *town* that was to have been built for that purpose at *Battersea-ridge*: and, as to *Houses*, *nine hundred*—(being the number of separate Houses, which over and above such as were to be occupied in common, were to have been included in that town) was assuredly too great a number for good management: *two thousand*, consequently, in a much greater degree too great.

On every as yet exemplified plan of construction and management, the natural and naturally prevalent apprehension of unwieldiness has, therefore, very just grounds to stand upon.

But upon the *Panopticon* principle—whether it be for *Paupers* or for *Convicts*—for *free* and innocent men or for *prisoners*—though the number of the *inhabitants* be 2,000, the *House* is *but one*; and that one House is capable of being pervaded in all directions,—pervaded by a single glance, and without so much as a change of posture.

Of the difficulties, which upon any *ordinary* plan of construction, for want of that source of simplification, attends the business of management, even in the case of a *Poor House*, and of a moderate size, an exemplification may be seen in *Pauper Management improved*, p. 43; in *Panopticon*, Letter VI. and in various parts of the Postscript; and, in the case of a *Prison*, in the instance of several *American Prisons*, in the tract intituled *Panopticon versus New South Wales*, Letter II. pages from 54 to 61.

I have the honour to be, with all respect,

SIR,

George Holford, Esq.

Your most obedient Servant,

Chairman of the

JEREMY BENTHAM.

Committee on Penitentiary Houses.

